

# EXHIBIT

# A

### **Explanation of Exhibit B (Time Calculations)**

1. Table at Exhibit B-1 (complete list of all entries).
  - a. The time entries submitted by The Neuberger Firm and The Law Offices of John M. LaRosa, Esq., were combined into a single table, sorted in ascending chronological order.
  - b. Each line item was assigned an Item Number for cross-referencing.
2. The columns in the table represent, in order from left to right,
  - a. The Item Number discussed above;
  - b. The Billing Attorney's initials;
  - c. The Date of the Entry;
  - d. The Description of the activity taken verbatim from counsel's submissions;
  - e. The Amount of Time sought for the activity;
  - f. The Billing Attorney's requested hourly rate; and
  - g. The Fee, which equals the dollar value of the time billed multiplied by the hourly rate.
3. The final column, "Previously Listed," reflects any time entry that was eliminated in a prior table.
  - a. For example, some of the entries eliminated as "clerical" in Exhibit B-3 are also "duplicative" in Exhibit B-7.
  - b. The purpose of this column is to ensure that amounts are not removed from the total more than once while still providing the data needed if the requested amounts are recalculated.
4. The Subtotal represents the total number of hours claimed by the requested hourly rate.
5. The Total reflects the Subtotal less any amounts from the Previously Listed column.

**Example:** Thomas S. Neuberger's entry for July 9, 2007, (Exhibit B-6, line 357), "telephone with client," is unspecific (II.E); should have been delegated to a paralegal (III.A); constitutes excessive activity during the judicial stay (III.D); and represents duplicative billing (III.E). This time entry has been eliminated only once—in the "Unspecific" category. While the entry is included in the other categories to demonstrate the billing errors, previously listed entries are noted in the far right column and have not been calculated more than once.

# EXHIBIT

# B

TAB

1

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
1	JML	07/08/03	Initial consultation with client	1.4	\$250	\$350
2	TSN	07/29/03	Meeting with JLR to discuss his possible case and the facts.	0.5	\$450	\$225
3	JML	07/30/03	Meeting with TSN regarding facts from initial consultation	0.5	\$250	\$125
4	JML	07/31/03	2d Meeting with TSN re: facts and documents needed to establish claim of 1st Amendment retaliation	0.5	\$250	\$125
5	JML	08/06/03	Telephone to client regarding promotion procedures and illegal reasons for his denied promotion	0.2	\$250	\$50
6	TSN	08/18/03	Meet with JLR to discuss the facts for a retaliation claim.	0.3	\$450	\$135
7	JML	09/25/03	3d Meeting with TSN regarding First Amendment retaliation and other potential claims	0.4	\$250	\$100
8	JML	10/10/03	Review deposition of Colonel Cunningham regarding promotions in NCC PD	0.3	\$250	\$75
9	JML	10/10/03	Memo to TSN regarding Cunningham deposition testimony regarding NCC PD promotions	0.8	\$250	\$200
10	TSN	10/15/03	Review fact memo from JLR.	0.1	\$450	\$45
11	SJN	10/21/03	Conference with TSN, JLR, MDH to discuss conflict issues.	0.5	\$250	\$125
12	TSN	10/21/03	Meet with JLR, MH, SJN about conflict of interest issues and the representation.	0.5	\$450	\$225

## Exhibit B

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Item #	ATTY	Date	Description	Time	Rate	Fee
13	JML	10/22/03	Review file and prepare for today's meeting with TSN	0.4	\$250	\$100
14	TSN	11/10/03	Meet with JLR about the case.	0.1	\$450	\$45
15	TSN	12/09/03	Meet with JLR to discuss the timing of the case.	0.1	\$450	\$45
16	JML	12/19/03	Telephone from client regarding newest promotions	0.3	\$250	\$75
17	JML	02/04/04	Telephone from client regarding new job postings and denial of 2 additional promotions	0.2	\$250	\$50
18	JML	02/04/04	Memo to TSN regarding today's telephone call from client	0.5	\$250	\$125
19	JML	02/25/04	Telephone to client regarding other County officers	0.1	\$250	\$25
20	JML	03/08/04	Telephone from client regarding documents for him to sign at today's meeting	0.1	\$250	\$25
21	JML	03/08/04	Legal research regarding potential immunity of local government	0.3	\$250	\$75
22	JML	03/08/04	Meeting with client to review new factual documents from him	1.0	\$250	\$250
23	JML	03/29/04	Telephone from client regarding new promotion to Captain and memo to TSN regarding advice on new Captain vacancy	0.7	\$250	\$175
24	JML	03/31/04	Telephone from client regarding information on eligible candidates for December 2003 Lt. and Captain promotions	0.2	\$250	\$50

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Item #	ATTY	Date	Description	Time	Rate	Fee
25	JML	04/02/04	Meeting with client regarding additional information on promotions and eligibility lists and other promotion candidates	0.7	\$250	\$175
26	TSN	04/08/04	Review JLR letter to EEOC.	0.1	\$450	\$45
27	TSN	04/10/04	Review memo from JLR.	0.1	\$450	\$45
28	TSN	04/21/04	Meet with JLR on status of the case.	0.1	\$450	\$45
29	JML	04/26/04	Telephone from client regarding new Captain promotion and memo to TSN regarding same	0.7	\$250	\$175
30	JML	04/28/04	E-mail to TSN regarding our strategy regarding First Amendment retaliation claims in light of retaliatory re-posting of a Captain promotion after prior promotion list expired	0.2	\$250	\$50
31	TSN	04/28/04	Review fact memo from JLR and respond.	0.2	\$450	\$90
32	TSN	05/03/04	Review status report from JLR.	0.1	\$450	\$45
33	JML	05/27/04	Telephone to client and memo to TSN regarding retaliation: lowered ranking, denied promotion, and Middletown transfer	0.8	\$250	\$200
34	TSN	06/08/04	Review status report from JLR.	0.1	\$450	\$45
35	JML	06/10/04	Meeting with law clerk regarding statute of limitations issue	0.1	\$250	\$25
36	TSN	06/10/04	Discuss with JLR the EEOC timeliness issue.	0.1	\$450	\$45

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
37	JML	06/15/04	Meeting with TSN and SJN regarding filing the First Amendment Complaint	0.5	\$250	\$125
38	SJN	06/15/04	Meeting TSN and JLR.	0.1	\$250	\$25
39	TSN	06/15/04	Meet with JLR to discuss legal theories and decide to file the case now.	0.5	\$450	\$225
40	JML	06/17/04	Review law clerk's legal research memo regarding statute of limitations	0.3	\$250	\$75
41	TSN	06/22/04	Review SOL resesarch memo.	0.1	\$450	\$45
42	TSN	07/26/04	Meet with JLR about drafting the complaint for filing.	0.2	\$450	\$90
43	TSN	07/26/04	Try to reach my client about filing the case.	0.1	\$450	\$45
44	TSN	07/26/04	Telephone with client to set appointment.	0.1	\$450	\$45
45	JML	07/27/04	Meeting with TSN and client regarding lawsuit content and strategy	2.0	\$250	\$500
46	SJN	07/27/04	Meeting with TSN.	0.1	\$250	\$25
47	TSN	07/27/04	Meet with JLR and client to discuss facts, law and filing his case in the next month, our two main legal theories.	1.8	\$450	\$810
48	TSN	07/27/04	Meeting with SJN.	0.1	\$450	\$45



## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
49	JML	07/28/04	Draft Complaint: Caption, Parties, Jurisdiction, and Wherefore Clause	1.5	\$250	\$375
50	JML	07/28/04	Telephone from client regarding dates of his protected activity	0.1	\$250	\$25
51	JML	07/29/04	Meeting with TSN regarding defendants to name and allegations to make in the Complaint	0.2	\$250	\$50
52	TSN	07/29/04	Meet with JLR about draft complaint and the parties defendant.	0.2	\$450	\$90
53	JML	08/03/04	Review TSN memo regarding meeting with client	0.1	\$250	\$25
54	JML	08/04/04	Complaint preparation	0.1	\$250	\$25
55	JML	08/04/04	Revise Complaint Caption, Parties, and Wherefore Clause	0.2	\$250	\$50
56	JML	08/04/04	Complaint preparation: Draft facts relating to employment history and circumstantial evidence of retaliation	1.5	\$250	\$375
57	JML	08/04/04	Complaint preparation: Draft allegations regarding defendants' conduct	0.3	\$250	\$75
58	JML	08/04/04	Draft Counts I and II: Free Speech and Petition Clause violations	0.3	\$250	\$75
59	JML	08/04/04	Draft facts relating to individual defendants' decision making and less qualified successful candidate	0.5	\$250	\$125
60	JML	08/09/04	Continue drafting Complaint: Plaintiff's Injuries	0.5	\$250	\$125

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Item #	ATTY	Date	Description	Time	Rate	Fee
61	JML	08/14/04	Draft facts regarding cover up of accident	1.2	\$250	\$300
62	JML	08/14/04	Draft facts regarding campaign and election improprieties	1.3	\$250	\$325
63	JML	08/16/04	Draft Civil Cover Sheet and Summons and revise Complaint	0.6	\$250	\$150
64	JML	08/16/04	Complaint preparation: Draft Injunctive relief	0.5	\$250	\$125
65	JML	08/17/04	Telephone to client regarding content of his protected speech, retaliatory transfer, and injury to reputation	0.6	\$250	\$150
66	JML	08/17/04	Continue drafting Complaint: content of protected speech, retaliatory transfer, and injury to reputation	3.0	\$250	\$750
67	JML	08/17/04	Revise Summons of John Cunningham	0.1	\$250	\$25
68	JML	08/17/04	2d telephone call to client regarding his additional information on accident and the continued retaliation	0.3	\$250	\$75
69	JML	08/20/04	Telephone to client regarding TSN revision of Complaint	0.3	\$250	\$75
70	JML	08/23/04	Revise Complaint based on Friday's conversation with client	0.1	\$250	\$25
71	TSN	08/23/04	Work on second draft of complaint.	1.2	\$450	\$540
72	TSN	08/23/04	Second draft of the complaint.	2.5	\$450	\$1,125

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Item #	ATTY	Date	Description	Time	Rate	Fee
73	JML	08/24/04	Continue revising of Complaint and telephone to client regarding same	0.4	\$250	\$100
74	SJN	08/24/04	Review and edit draft 0.2 of complaint	0.4	\$250	\$100
75	TSN	08/24/04	Telephone with client about his draft complaint and his need to review it for factual accuracy and whether he wishes to hold a press conference.	0.1	\$450	\$45
76	TSN	08/25/04	Draft 3 of the complaint.	1.9	\$450	\$855
77	JML	08/26/04	Telephone to client regarding revised Complaint	0.3	\$250	\$75
78	JML	08/27/04	Review TSN's draft Complaint	0.3	\$250	\$75
79	SJN	08/27/04	Meeting with TSN.	0.3	\$250	\$75
80	TSN	08/27/04	Meeting with Steve	0.3	\$450	\$135
81	TSN	08/27/04	Document drafting, copy counsel to review.	0.3	\$450	\$135
82	TSN	08/27/04	Telephone from the AP.	0.1	\$450	\$45
83	SJN	08/29/04	Review and edit draft 3 of complaint.	0.6	\$250	\$150
84	JML	08/30/04	Review and revise draft Complaint	0.2	\$250	\$50

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Item #	ATTY	Date	Description	Time	Rate	Fee
85	JML	08/30/04	Meeting with TSN and client regarding pending lawsuit	1.0	\$250	\$250
86	JML	08/30/04	Revise Civil Cover Sheet	0.2	\$250	\$50
87	TSN	08/30/04	Meet with client to review facts of the complaint and make revisions.	1.0	\$450	\$450
88	TSN	08/30/04	Final draft of complaint.	2.5	\$450	\$1,125
89	SJN	08/31/04	Meeting with TSN re filing and related issues.	0.3	\$250	\$75
90	SJN	08/31/04	Review latest draft of complaint.	0.3	\$250	\$75
91	TSN	08/31/04	Finalize complaint.	0.7	\$450	\$315
92	TSN	08/31/04	Draft press release.	0.6	\$450	\$270
93	TSN	08/31/04	Meeting with SJN re filing and related issues.	0.3	\$450	\$135
94	SJN	09/02/04	Press conference.	1.0	\$250	\$250
95	SJN	09/02/04	Fact investigation and meeting with client.	1.3	\$250	\$325
96	SJN	09/02/04	Fact investigation re: other incidents where Freebery's has done this.	0.3	\$250	\$75

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Item #	ATTY	Date	Description	Time	Rate	Fee
97	SJN	09/02/04	Respond to media inquiries.	0.5	\$250	\$125
98	SJN	09/02/04	Telephone with Hank.	0.1	\$250	\$25
99	SJN	09/02/04	Telephone calls with Tom.	0.2	\$250	\$50
100	SJN	09/02/04	Fact investigation.	0.5	\$250	\$125
101	SJN	09/02/04	Calls with Steve.	0.2	\$250	\$50
102	TSN	09/02/04	Meeting with client about facts.	1.0	\$450	\$450
103	TSN	09/02/04	Attend press conference for client, preparation.	1.4	\$450	\$630
104	SJN	09/03/04	Telephone with TSN.	0.1	\$250	\$25
105	SJN	09/03/04	Call to Hank.	0.1	\$250	\$25
106	SJN	09/03/04	Fact investigation.	0.3	\$250	\$75
107	SJN	09/03/04	E-mail to TSN & JLR.	0.1	\$250	\$25
108	SJN	09/03/04	Phone call to investigate the facts of the police report being doctored.	0.1	\$250	\$25

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Item #	ATTY	Date	Description	Time	Rate	Fee
109	SJN	09/03/04	E-mail to TSN & JLR re: Freebery order via Janet Smith to alter police report.	0.1	\$250	\$25
110	SJN	09/03/04	Calls with Steve.	0.2	\$250	\$50
111	SJN	09/07/04	Fact investigation.	0.2	\$250	\$50
112	SJN	09/08/04	Meeting with TSN.	0.3	\$250	\$75
113	TSN	09/08/04	Review fact statements by parties.	0.2	\$450	\$90
114	TSN	09/08/04	Review witness statements and email client.	0.4	\$450	\$180
115	TSN	09/08/04	Call from M. Allen about the police report claims.	0.2	\$450	\$90
116	TSN	09/08/04	E-mail JLR with things to do.	0.2	\$450	\$90
117	TSN	09/08/04	Meeting with Steve.	0.3	\$450	\$135
118	TSN	09/09/04	Review two e-mails from client and reply.	0.2	\$450	\$90
119	TSN	09/09/04	Investigate facts given by client.	0.2	\$450	\$90
120	SJN	09/10/04	Fact investigation.	0.1	\$250	\$25

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
121	SJN	09/13/04	Review e-mails.	0.1	\$250	\$25
122	TSN	09/13/04	Email to client about preparing rule 26 disclosures.	0.2	\$450	\$90
123	SJN	09/30/04	Return call to Bowser re: extension of time on Answer.	0.1	\$250	\$25
124	SJN	10/01/04	Meeting with TSN.	0.1	\$250	\$25
125	SJN	10/01/04	E-mail to Bowser re: extension of time to file Answer and conflict of interest.	0.1	\$250	\$25
126	TSN	10/01/04	Meeting with SJN.	0.1	\$450	\$45
127	JML	10/06/04	Telephone from client regarding accident and potential discipline and advise regarding his rights of appeal	0.1	\$250	\$25
128	TSN	10/07/04	Review e-mail from client on damages and disparate punishment.	0.1	\$450	\$45
129	JML	10/28/04	E-mail to client regarding his potential new employment and its impact on the case	0.2	\$250	\$50
130	TSN	11/03/04	Review two e-mails from the client.	0.1	\$450	\$45
131	SJN	11/05/04	Meeting with TSN re: D's filing answer or motion for a stay.	0.1	\$250	\$25
132	TSN	11/05/04	Meeting with SJN re: D's filing answer or motion for a stay.	0.1	\$450	\$45

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
133	TSN	11/09/04	Review their stay brief and e-mail JLR about a response.	0.2	\$450	\$90
134	SJN	11/10/04	Meeting with TSN re: settlement.	0.2	\$250	\$50
135	TSN	11/10/04	Discuss with JLR settlement strategy for the case.	0.5	\$450	\$225
136	TSN	11/10/04	Meeting with SJN re: settlement.	0.2	\$450	\$90
137	JML	11/15/04	E-mail to client regarding health status report	0.1	\$250	\$25
138	JML	11/16/04	Telephone and e-mail to client regarding damages information	0.4	\$250	\$100
139	JML	11/16/04	E-mail to plaintiff's counsel regarding our Response to Motion to Stay	0.1	\$250	\$25
140	SJN	11/16/04	Motion to stay briefing.	0.2	\$250	\$50
141	JML	11/22/04	Begin drafting Memo in Opposition to Motion to Stay	2.2	\$250	\$550
142	JML	11/24/04	Continue drafting Response to Motion to Stay	2.1	\$250	\$525
143	JML	11/24/04	Continue drafting Response to Motion to Stay	3.5	\$250	\$875
144	JML	11/26/04	Finalize Response to Motion to Stay and e-mail to TSN regarding same	1.3	\$250	\$325



## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
145	SJN	11/29/04	Review our AB.	0.2	\$250	\$50
146	TSN	11/30/04	Review our stay brief.	0.1	\$450	\$45
147	TSN	11/30/04	E-mail to JLR.	0.1	\$450	\$45
148	TSN	12/05/04	Fact investigation on expected changes in County government in January and effect on this case.	0.5	\$450	\$225
149	JML	12/08/04	Telephone to economist regarding retaining him for an expert report	0.3	\$250	\$75
150	JML	12/16/04	Telephone from client regarding motion to stay	0.1	\$250	\$25
151	TSN	12/19/04	Review stay decision by the court.	0.1	\$450	\$45
152	SJN	12/21/04	Meeting with TSN re: settlement strategy.	0.1	\$250	\$25
153	TSN	12/21/04	Meet with JLR about settlement strategy.	0.3	\$450	\$135
154	TSN	12/21/04	Meeting with SJN re: settlement strategy.	0.1	\$450	\$45
155	JML	12/22/04	Telephone to client regarding economist's follow up questions	0.3	\$250	\$75
156	JML	12/22/04	Letter to economist regarding follow up data from today's conversation with client	0.4	\$250	\$100

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
157	JML	12/23/04	Review cardiologist medical records and end of year pay stubs for 2001-2004	0.5	\$250	\$125
158	JML	12/23/04	Draft letter to economist regarding additional pension documents	0.1	\$250	\$25
159	JML	12/29/04	E-mail to economist regarding his initial draft report	0.1	\$250	\$25
160	JML	12/30/04	Telephone to client and 2 calls from client regarding salary range for Lt. Colonel, date of pay increase to Captain QW, and date of promotion to Major	0.3	\$250	\$75
161	JML	12/30/04	Draft letter to economist regarding additional information and documents and 4 scenarios of denied promotions and pay increases	0.5	\$250	\$125
162	JML	12/31/04	E-mail to Dr. Black regarding 3rd denied promotion scenario	0.2	\$250	\$50
163	JML	01/03/05	Review second draft economic report from Dr. Black	0.4	\$250	\$100
164	JML	01/03/05	E-mail to economist regarding corrections to latest draft of report	0.1	\$250	\$25
165	JML	01/03/05	E-mail from and to economist regarding title page of his report	0.2	\$250	\$50
166	SJN	01/05/05	Review TSN settlement concept e-mail.	0.1	\$250	\$25
167	TSN	01/05/05	Review Dr. Black report and outline demand package.	0.6	\$450	\$270
168	TSN	01/13/05	E-mail to JLR about economic report.	0.1	\$450	\$45

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
169	JML	01/14/05	Telephone to Dr. Black regarding revising his economic report to include tax effect	0.1	\$250	\$25
170	TSN	01/16/05	E-mail to JLR about settlement and Monell issues.	0.3	\$450	\$135
171	JML	01/17/05	Telephone to client regarding additional information to update economic report to add income tax effect of lump sum recovery	0.1	\$250	\$25
172	JML	01/18/05	Contact economist regarding additional documents for him to review	0.1	\$250	\$25
173	JML	01/20/05	Begin drafting Settlement package	2.0	\$250	\$500
174	TSN	01/26/05	Review revised economic expert report.	0.3	\$450	\$135
175	TSN	01/27/05	Telephone with Jeff Goddess.	0.1	\$450	\$45
176	TSN	01/27/05	E-mail to JLR>	0.1	\$450	\$45
177	TSN	01/29/05	E-mail to JLR.	0.1	\$450	\$45
178	TSN	02/02/05	E-mail JLR on Coons transition actions.	0.2	\$450	\$90
179	TSN	02/04/05	Meet with KM about NCCPD promotion process.	0.6	\$450	\$270
180	JML	02/07/05	E-mail from TSN and to client regarding demand letter	0.2	\$250	\$50

## Exhibit B

## All Entries by Date

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Item #	ATTY	Date	Description	Time	Rate	Fee
181	TSN	02/07/05	E-mail JLR on timing of settlement demand.	0.1	\$450	\$45
182	TSN	02/09/05	Gather facts on county finances.	0.1	\$450	\$45
183	TSN	02/09/05	Think about recusal decision by the court.	0.2	\$450	\$90
184	SJN	02/10/05	Meeting with TSN and JLR re: case strategy.	0.4	\$250	\$100
185	TSN	02/10/05	Meeting with SJN and JLR re: case strategy.	0.4	\$450	\$180
186	JML	02/11/05	Review TSN-SJN draft settlement demand in NCC case	1.5	\$250	\$375
187	JML	02/11/05	Continue drafting settlement package	1.4	\$250	\$350
188	TSN	02/11/05	File memo on recusal.	0.2	\$450	\$90
189	JML	02/14/05	Continue drafting settlement package: Statement of Facts	1.6	\$250	\$400
190	JML	02/16/05	Continue drafting settlement demand: Fact Witnesses and Expert Witnesses and Physical Injuries	1.5	\$250	\$375
191	JML	02/16/05	Continue drafting settlement demand: Damages, Injuries, Relief, Attorneys' Fees, and Punitives	1.9	\$250	\$475
192	JML	02/17/05	Continue drafting settlement package: Argument Section I	1.5	\$250	\$375

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Item #	ATTY	Date	Description	Time	Rate	Fee
193	JML	02/17/05	Continue drafting settlement package: Argument Section II	1.5	\$250	\$375
194	JML	02/17/05	Continue drafting settlement package: Argument Section III	1.5	\$250	\$375
195	JML	02/18/05	Continue drafting settlement package: Finish Argument Section III	0.1	\$250	\$25
196	JML	02/18/05	Continue drafting Settlement package: Argument Section IV	1.4	\$250	\$350
197	JML	02/18/05	Continue drafting Settlement package: Argument Section V	1.4	\$250	\$350
198	JML	02/18/05	Legal research regarding Indemnification Law	0.5	\$250	\$125
199	JML	02/18/05	Continue drafting Settlement package: Argument Sections VI and VII	2.0	\$250	\$500
200	JML	02/18/05	Continue drafting settlement package: Settlement Proposal	1.0	\$250	\$250
201	JML	02/18/05	Review and revise entire 70 page settlement package	1.9	\$250	\$475
202	TSN	02/19/05	E-mail on settlement.	0.1	\$450	\$45
203	SJN	02/20/05	Review and revise settlement proposal.	0.8	\$250	\$200
204	JML	03/03/05	Memorandum to client regarding economic, compensatory, and punitive damages, his economic report, settlement demand package, Dr. Black, and detail report	1.0	\$250	\$250

## Exhibit B

## All Entries by Date

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Item #	ATTY	Date	Description	Time	Rate	Fee
205	TSN	03/03/05	Meet with JLR about the case.	0.2	\$450	\$90
206	JML	03/08/05	Telephone to client regarding further retaliatory transfer back to Minquedale for shift work	0.1	\$250	\$25
207	JML	03/08/05	Memo to TSN regarding further retaliatory transfer back to Minquedale for shift work	0.2	\$250	\$50
208	TSN	03/08/05	Review memo on his additional transfer to a new assignment.	0.1	\$450	\$45
209	JML	03/14/05	Review litigation report from NCC	0.1	\$250	\$25
210	JML	03/14/05	Prepare for today's briefing of TSN for his meeting tomorrow with the County attorney	1.5	\$250	\$375
211	JML	03/14/05	Update settlement package to include new developments in the case: Transfer to Patrol Squad B, additional defense attorneys' fees, etc	0.9	\$250	\$225
212	JML	03/14/05	E-mail to TSN regarding updated settlement package	0.1	\$250	\$25
213	SJN	03/15/05	Meet with TSN and Greg Wilson about settlement the case.	0.2	\$250	\$50
214	TSN	03/15/05	Meet with Greg Wison and SNJ about settling the case.	0.2	\$450	\$90
215	TSN	03/15/05	E-mail to JLR.	0.1	\$450	\$45
216	JML	03/16/05	Review e-mail from TSN and send e-mail to client regarding TSN meeting with County attorney	0.1	\$250	\$25

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## All Entries by Date

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Item #	ATTY	Date	Description	Time	Rate	Fee
217	SJN	03/18/05	Meet with TSN about the settlement package.	0.3	\$250	\$75
218	TSN	03/18/05	meet with SJN about the settlement package.	0.3	\$450	\$135
219	TSN	03/18/05	Email to co-counsel	0.1	\$450	\$45
220	JML	03/22/05	E-mail from TSN and send e-mail to client regarding Coons' speech of 3/16/05	0.1	\$250	\$25
221	TSN	03/22/05	E-mail to JLR	0.1	\$450	\$45
222	SJN	03/23/05	Working on settlement package	0.5	\$250	\$125
223	JML	03/24/05	E-mail to Dr. Black regarding expert report	0.1	\$250	\$25
224	SJN	03/24/05	Meet with TSN about settlement proposal	0.2	\$250	\$50
225	SJN	03/24/05	Revising settlement package	1.1	\$250	\$275
226	TSN	03/24/05	Meet with SJN re: draft settlement proposal	0.2	\$450	\$90
227	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90
228	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90

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## All Entries by Date

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Item #	ATTY	Date	Description	Time	Rate	Fee
229	TSN	04/06/05	Discuss with SJN status of the police dept.	0.2	\$450	\$90
230	TSN	04/06/05	Review letter on settlement from client	0.1	\$450	\$45
231	JML	04/15/05	Telephone to client regarding demand, meeting, and delivery of settlement package	0.1	\$250	\$25
232	JML	04/15/05	E-mail from TSN regarding demand, meeting, and delivery of settlement package and e-mails to and from co-counsel regarding cover letter for settlement package	0.1	\$250	\$25
233	TSN	04/15/05	Revise draft demand package	1.1	\$450	\$495
234	TSN	04/15/05	Finish revision of demand package	1.5	\$450	\$675
235	JML	04/16/05	Begin revising settlement package: pages 1-17	1.0	\$250	\$250
236	JML	04/18/05	Continue revising settlement package: pp. 19-65	1.4	\$250	\$350
237	JML	04/18/05	Continue revising settlement package: pp. 19-65	1.0	\$250	\$250
238	JML	04/18/05	Continue drafting 67 page settlement package	1.0	\$250	\$250
239	JML	04/18/05	Begin drafting letter to County attorney regarding settlement package	0.2	\$250	\$50
240	SJN	04/18/05	Meeting with TSN re: settlement package	0.1	\$250	\$25



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## All Entries by Date

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Item #	ATTY	Date	Description	Time	Rate	Fee
241	TSN	04/18/05	E-mails from JLR	0.1	\$450	\$45
242	TSN	04/18/05	Meeting with SJN re: settlement package	0.1	\$450	\$45
243	JML	04/19/05	Finalize letter to county attorney regarding settlement package	0.1	\$250	\$25
244	JML	04/19/05	Revise settlement package	0.3	\$250	\$75
245	SJN	04/19/05	E-mail from JLR re: retaliatory transfer	0.1	\$250	\$25
246	JML	04/21/05	Draft section on Plaintiff's superior qualifications	0.7	\$250	\$175
247	JML	04/21/05	Review and finalize 67 page demand package	1.5	\$250	\$375
248	JML	04/21/05	E-mail to TSN regarding demand package	0.1	\$250	\$25
249	JML	04/22/05	Finalize demand package with most recent revisions and e-mail to The Neuberger Firm regarding same	0.2	\$250	\$50
250	SJN	04/22/05	Meeting with SJN re: status of case, and planning out discovery and trial	0.3	\$250	\$75
251	TSN	04/22/05	Meeting with TSN re: status of case, and planning out discovery and trial	0.3	\$450	\$135
252	TSN	04/22/05	Review and approve settlement documents	0.4	\$450	\$180

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## All Entries by Date

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Item #	ATTY	Date	Description	Time	Rate	Fee
253	TSN	04/22/05	Meet with client to review and obtain approval of demand package and our negotiating strategy	1.5	\$450	\$675
254	TSN	04/22/05	E-mail to co-counsel	0.1	\$450	\$45
255	JML	04/26/05	Telephone to client and e-mail to TSN regarding delivery of demand package	0.1	\$250	\$25
256	TSN	05/12/05	E-mail on witnesses	0.1	\$450	\$45
257	TSN	05/19/05	Review e-mail from client	0.1	\$450	\$45
258	JML	05/20/05	Telephone to client regarding demand response and e-mail to TSN regarding same	0.2	\$250	\$50
259	TSN	05/20/05	Meet with JLR about failure of settlement efforts	0.1	\$450	\$45
260	TSN	05/26/05	E-mail to client	0.2	\$450	\$90
261	TSN	06/07/05	E-mail from client and reply on his medical condition and damages	0.4	\$450	\$180
262	TSN	06/07/05	E-mail to client	0.2	\$450	\$90
263	TSN	06/07/05	E-mail from JLR and respond	0.1	\$450	\$45
264	TSN	06/08/05	Speak with JLR about the facts	0.1	\$450	\$45

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Item #	ATTY	Date	Description	Time	Rate	Fee
265	TSN	06/25/05	Telephone with client	0.1	\$450	\$45
266	TSN	06/25/05	Speak with client about status of the case	0.3	\$450	\$135
267	TSN	06/27/05	E-mail on removal of the Chief	0.5	\$450	\$225
268	TSN	06/28/05	Fact investigation	0.3	\$450	\$135
269	JML	07/05/05	Review e-mail from TSN and e-mail to client regarding County's reported financial deficit	0.1	\$250	\$25
270	JML	07/18/05	Telephone to client regarding County's reported financial deficit	0.1	\$250	\$25
271	TSN	07/21/05	E-mail from client and respond	0.2	\$450	\$90
272	TSN	08/23/05	Discuss status of the case with JLR	0.1	\$450	\$45
273	TSN	08/25/05	Letter to client	0.2	\$450	\$90
274	TSN	09/09/05	E-mail to co-counsel	0.1	\$450	\$45
275	TSN	10/04/05	E-mail from client and respond	0.1	\$450	\$45
276	TSN	12/30/05	E-mail from client and reply on status of the case	0.3	\$450	\$135

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Item #	ATTY	Date	Description	Time	Rate	Fee
277	TSN	01/31/06	Reply to clients e-mail on his damages	0.2	\$450	\$90
278	TSN	03/18/06	E-mail from client and respond	0.1	\$450	\$45
279	TSN	06/01/06	E-mail from client and respond	0.1	\$450	\$45
280	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45
281	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45
282	SJN	07/05/06	Meeting with TSN re: impact of Garcetti	0.1	\$250	\$25
283	TSN	07/05/06	Meeting with SJN re: impact of Garcetti	0.1	\$450	\$45
284	JML	07/25/06	Meeting with TSN regarding case in light of new SCt case	0.2	\$250	\$50
285	TSN	07/25/06	Meet with JLR about status of the case	0.2	\$450	\$90
286	TSN	08/10/06	Call from client	0.1	\$450	\$45
287	TSN	08/10/06	E-mail to JLR and client	0.1	\$450	\$45
288	JML	08/14/06	Telephone to client and e-mail to TSN regarding Supreme Court decision	0.2	\$250	\$50

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Item #	ATTY	Date	Description	Time	Rate	Fee
289	JML	08/14/06	Review Garcetti decision and analyze its impact on the case	1.0	\$250	\$250
290	JML	08/14/06	Review TSN brief regarding Garcetti case law affecting this case	0.5	\$250	\$125
291	JML	08/15/06	Telephone to client and e-mail to TSN regarding S.Ct. decision	0.2	\$250	\$50
292	TSN	08/29/06	Review file	0.4	\$450	\$180
293	JML	08/30/06	Meeting with TSN and client regarding new settlement strategy	1.1	\$250	\$275
294	JML	08/30/06	Draft Memo to TSN regarding today's meeting	0.6	\$250	\$150
295	SJN	08/30/06	Meeting with TSN re: settlement issues	0.2	\$250	\$50
296	TSN	08/30/06	Meet with client and JLR about settlement authority	1.3	\$450	\$585
297	TSN	08/30/06	Meeting with SJN re: settlement issues	0.2	\$450	\$90
298	JML	09/13/06	E-mail to co-counsel regarding settlement initiatives	0.1	\$250	\$25
299	JML	09/14/06	Meeting with co-counsel regarding NCC settlement initiatives	0.5	\$250	\$125
300	JML	09/26/06	E-mail to co-counsel regarding NCC settlement talks	0.1	\$250	\$25

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Item #	ATTY	Date	Description	Time	Rate	Fee
301	JML	09/28/06	Telephone from co-counsel regarding status of settlement talks	0.1	\$250	\$25
302	JML	10/02/06	Draft renewed settlement demand letter	2.5	\$250	\$625
303	TSN	10/02/06	Edit demand letter	0.2	\$450	\$90
304	JML	10/03/06	Finalize renewed demand letter	1.8	\$250	\$450
305	TSN	10/06/06	Meet with JLR on status of the case	0.1	\$450	\$45
306	JML	11/10/06	Telephone to client regarding his case status	0.1	\$250	\$25
307	TSN	11/10/06	Meet with JLR about status of negotiations	0.1	\$450	\$45
308	TSN	12/06/06	Meet with JLR about settlement strategy	0.1	\$450	\$45
309	SJN	12/16/06	Pleadings review	0.1	\$250	\$25
310	TSN	01/02/07	Telephone with the USM about the case	0.1	\$450	\$45
311	TSN	01/09/07	Try to reach my client	0.1	\$450	\$45
312	TSN	01/09/07	Telephone with client	0.1	\$450	\$45

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Item #	ATTY	Date	Description	Time	Rate	Fee
313	SJN	01/11/07	Meeting with Hank re: settlement and case status	2.0	\$250	\$500
314	TSN	01/12/07	Review e-mail	0.1	\$450	\$45
315	TSN	03/08/07	E-mail from client and respond	0.1	\$450	\$45
316	TSN	05/02/07	E-mail to co-counsel on settlement	0.1	\$450	\$45
317	SJN	05/03/07	E-mail from JLR	0.1	\$250	\$25
318	TSN	05/29/07	E-mail on interview fact witnesses	0.2	\$450	\$90
319	TSN	05/29/07	Fact investigation, attend the deposition of Maloney & Rendina on the operation of NCC	1.4	\$450	\$630
320	JML	06/01/07	Telephone from client and e-mail to TSN regarding police report of Freeberry accident	0.3	\$250	\$75
321	TSN	06/01/07	E-mail from JLR and reply	0.1	\$450	\$45
322	TSN	06/01/07	E-mail to JLR about IA inquire to client	0.1	\$450	\$45
323	TSN	06/03/07	E-mail to Maloney statements	0.1	\$450	\$45
324	RW	06/05/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.7	\$170	\$119

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Item #	ATTY	Date	Description	Time	Rate	Fee
325	RW	06/06/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.5	\$170	\$85
326	RW	06/06/07	Memo to TSN re: Maloney/Rendina testimony in Wilmington Hospitality case	0.8	\$170	\$136
327	TSN	06/06/07	E-mail on lifting the stay	0.2	\$450	\$90
328	JML	06/07/07	Legal and factual analysis: review e-mail from TSN, Complaint, and send e-mail to TSN regarding defendant Gordon	1.3	\$250	\$325
329	TSN	06/07/07	E-mail on evidence issue	0.2	\$450	\$90
330	TSN	06/14/07	Meet with Maloney and Rendina about the facts of the case	1.0	\$450	\$450
331	TSN	06/15/07	Telephone with JLR about fact investigation	0.2	\$450	\$90
332	JML	06/18/07	E-mail to RW regarding depositions of LM and MR and to CAH regarding affidavits of LM and MR	0.2	\$250	\$50
333	SJN	06/18/07	Meeting with TSN re: amending complaint	0.1	\$250	\$25
334	TSN	06/18/07	Meeting with SJN re: amending complaint	0.1	\$450	\$45
335	TSN	06/18/07	E-mail from client and reply	0.2	\$450	\$90
336	TSN	06/18/07	E-mail on the stay	0.1	\$450	\$45



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Item #	ATTY	Date	Description	Time	Rate	Fee
337	JML	06/19/07	E-mail to TSN regarding no Answer filed and amending the Complaint	0.1	\$250	\$25
338	JML	06/19/07	Review Complaint and deposition testimony of LM in County case	1.5	\$250	\$375
339	JML	06/19/07	Review deposition testimony of MR in County case	0.1	\$250	\$25
340	JML	06/19/07	Review memo from RW regarding trial testimony of LM and MR in NCC case	0.3	\$250	\$75
341	JML	06/19/07	Review deposition of defendant Freeberry in County police case	2.0	\$250	\$500
342	JML	06/19/07	Prepare questions for interviews of witnesses LM and MR	1.0	\$250	\$250
343	JML	06/20/07	Continue preparing interview questions	0.5	\$250	\$125
344	JML	06/20/07	Telephone to LM regarding interview	0.1	\$250	\$25
345	JML	06/20/07	Draft letter to LM and MR regarding interview	0.3	\$250	\$75
346	JML	06/21/07	E-mail to witness regarding interviews	0.2	\$250	\$50
347	SJN	06/24/07	Legal research - speech to grand jury still protect post-Garcetti cases	0.2	\$250	\$50
348	JML	06/27/07	Interview MR regarding case	2.0	\$250	\$500

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Item #	ATTY	Date	Description	Time	Rate	Fee
349	JML	06/27/07	Interview LM regarding case	2.2	\$250	\$550
350	CAS	07/02/07	E-mail to JLR regarding affidavits and plea agreement	0.2	\$170	\$34
351	CAS	07/09/07	Review e-mail from TSN regarding client's new job	0.1	\$170	\$17
352	JML	07/09/07	Draft Declaration of LM	3.0	\$250	\$750
353	JML	07/09/07	Telephone to TSN regarding case status	0.3	\$250	\$75
354	JML	07/09/07	E-mail to TSN regarding damages	0.4	\$250	\$100
355	SJN	07/09/07	Call from TSN	0.2	\$250	\$50
356	SJN	07/09/07	Review draft declaration and send amended complaint and unstaying letter to JLR	0.2	\$250	\$50
357	TSN	07/09/07	Telephone with client	0.2	\$450	\$90
358	TSN	07/09/07	Review L. Maloney declaration	0.2	\$450	\$90
359	TSN	07/09/07	Discuss lifting the stay with JLR and strategy	0.3	\$450	\$135
360	TSN	07/09/07	Telephone with SJN on strategy	0.2	\$450	\$90

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Item #	ATTY	Date	Description	Time	Rate	Fee
361	JML	07/10/07	Draft Declaration of MR	3.0	\$250	\$750
362	JML	07/10/07	Telephone to LM regarding additional facts for Declaration	0.1	\$250	\$25
363	TSN	07/10/07	Telephone with client, return call from media	0.2	\$450	\$90
364	JML	07/11/07	Review Riddel original and first amended complaints for our First Amended Complaint	1.0	\$250	\$250
365	JML	07/11/07	Begin drafting First Amended Complaint	1.2	\$250	\$300
366	JML	07/11/07	Revise draft 1 of First Amended Complaint and e-mail to TSN regarding same	1.5	\$250	\$375
367	JML	07/12/07	Revise First Amended Complaint	0.4	\$250	\$100
368	JML	07/12/07	Telephone to MR regarding facts	1.4	\$250	\$350
369	TSN	07/12/07	Review amended complaint	0.2	\$450	\$90
370	JML	07/13/07	Revise MR Declaration	1.1	\$250	\$275
371	JML	07/13/07	Revise Declaration of LM	1.4	\$250	\$350
372	SJN	07/14/07	Review and revise first amended complaint	0.7	\$250	\$175

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Item #	ATTY	Date	Description	Time	Rate	Fee
373	CAS	07/16/07	E-mail from TSN regarding amended complaint and stay	0.1	\$170	\$17
374	JML	07/23/07	Finalize Declaration of LM	0.4	\$250	\$100
375	JML	07/24/07	Finalize First Amended Complaint	1.5	\$250	\$375
376	JML	07/24/07	Draft letter to USM regarding lifting stay	0.5	\$250	\$125
377	SJN	07/25/07	Pleadings review	0.1	\$250	\$25
378	JML	07/26/07	E-mail to co-counsel regarding Declarations and other NCC material	0.1	\$250	\$25
379	JML	08/23/07	E-mail to MR regarding her declaration	0.1	\$250	\$25
380	JML	08/27/07	Finalize declaration of MR and e-mail to witness regarding same	1.0	\$250	\$250
381	CAS	08/28/07	Review e-mail from JLR regarding status	0.1	\$170	\$17
382	TSN	08/28/07	E-mail on status	0.1	\$450	\$45
383	CAS	08/31/07	E-mails from TSN	0.1	\$170	\$17
384	TSN	08/31/07	E-mail to client	0.2	\$450	\$90

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Item #	ATTY	Date	Description	Time	Rate	Fee
385	TSN	08/31/07	E-mail to client	0.2	\$450	\$90
386	CAS	09/05/07	E-mail from TSN to client regarding settlement	0.1	\$170	\$17
387	TSN	09/05/07	E-mail from client and respond	0.2	\$450	\$90
388	JML	09/12/07	Telephone to client regarding case status	0.4	\$250	\$100
389	JML	09/13/07	Meeting with client regarding settlement	1.3	\$250	\$325
390	JML	09/13/07	E-mail to client regarding today's meeting	0.3	\$250	\$75
391	TSN	09/13/07	Meet with client about settlement	1.3	\$450	\$585
392	JML	09/24/07	Draft new demand letter to NCC	1.5	\$250	\$375
393	JML	09/24/07	E-mail to TSN regarding draft demand letter	0.2	\$250	\$50
394	JML	09/25/07	Revise demand letter	0.3	\$250	\$75
395	TSN	09/25/07	E-mail from JLR	0.1	\$450	\$45
396	TSN	09/25/07	Review and edit settlement demand	0.4	\$450	\$180

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Item #	ATTY	Date	Description	Time	Rate	Fee
397	JML	09/26/07	Review and finalize settlement demand 3	0.3	\$250	\$75
398	TSN	10/09/07	Meet with MH	0.1	\$450	\$45
399	JML	10/25/07	Meeting with co-counsel regarding settlement	1.5	\$250	\$375
400	JML	10/25/07	E-mail to client regarding sending settlement letter to the judge	0.1	\$250	\$25
401	TSN	10/25/07	Meet with MH re: the case	0.1	\$450	\$45
402	JML	11/06/07	Draft letter to USM regarding settlement offer	0.4	\$250	\$100
403	JML	11/09/07	Finalize letter to USM	0.2	\$250	\$50
404	JML	11/15/07	Meeting with TSN regarding case status	0.5	\$250	\$125
405	JML	11/15/07	Telephone to client regarding consent to magistrate's jurisdiction	0.2	\$250	\$50
406	JML	11/15/07	E-mail to TSN regarding consent to Magistrate's jurisdiction	0.2	\$250	\$50
407	JML	11/15/07	Draft letter to counsel regarding Scheduling Order	0.5	\$250	\$125
408	JML	11/15/07	Draft Join Proposed Scheduling Order	1.4	\$250	\$350

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Item #	ATTY	Date	Description	Time	Rate	Fee
409	JML	11/15/07	E-mail to TSN regarding joint proposed scheduling order	0.1	\$250	\$25
410	SJN	11/15/07	Pleadings review	0.1	\$250	\$25
411	TSN	11/15/07	Discuss case with MH	0.2	\$450	\$90
412	TSN	11/15/07	Meet with JLR about discovery and trial	0.3	\$450	\$135
413	JML	11/17/07	Finalize letter to counsel regarding scheduling order	0.5	\$250	\$125
414	CAS	11/26/07	Review e-mail from defense counsel	0.1	\$170	\$17
415	JML	11/26/07	Meeting with TSN regarding defendants attempt to delay case with a briefing schedule	0.3	\$250	\$75
416	JML	11/26/07	E-mail to counsel regarding its demand for briefing schedule	0.1	\$250	\$25
417	TSN	11/26/07	Meet with JLR about Rule 16 opposition by defense	0.2	\$450	\$90
418	JML	11/28/07	Draft letter to USM regarding scheduling teleconference	0.5	\$250	\$125
419	TSN	11/28/07	Review letter to court	0.1	\$450	\$45
420	JML	11/29/07	Finalize letter to Court regarding scheduling order	0.4	\$250	\$100

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Item #	ATTY	Date	Description	Time	Rate	Fee
421	TSN	12/03/07	E-mail on Rule 16 conf.	0.2	\$450	\$90
422	SJN	12/04/07	Legal research - grand jury speech protected post-Garcetti	1.0	\$250	\$250
423	SJN	12/04/07	E-mails and telephone calls from and to TSN re: Garcetti issues	0.4	\$250	\$100
424	CAS	12/05/07	Review e-mails from SJN and TSN	0.1	\$170	\$17
425	CAS	12/05/07	Review e-mail to defense counsel from SJN	0.1	\$170	\$17
426	SJN	12/05/07	Review amended complaint	0.1	\$250	\$25
427	SJN	12/05/07	E-mail to defense counsel, responding on Garcetti issues	0.8	\$250	\$200
428	CAS	12/06/07	Locate proposed Rule 16 order	0.4	\$170	\$68
429	CAS	12/06/07	Meeting with SJN re: Rule 16 order	0.1	\$170	\$17
430	SJN	12/06/07	Speak with CAH re: Rule 16 order	0.1	\$250	\$25
431	SJN	12/06/07	Review and prepare for Rule 16 teleconference on briefing	1.0	\$250	\$250
432	JML	12/07/07	Prepare for teleconference	1.0	\$250	\$250



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Item #	ATTY	Date	Description	Time	Rate	Fee
433	JML	12/07/07	Rule 16 Teleconference with USM regarding scheduling and consent to USM	0.7	\$250	\$175
434	JML	12/07/07	Draft Consent to USM jurisdiction and e-mail to TSN regarding the same	0.8	\$250	\$200
435	SJN	12/07/07	E-mails to co-counsel	0.1	\$250	\$25
436	SJN	12/07/07	Review and prep for teleconference	0.3	\$250	\$75
437	SJN	12/07/07	Rule 16 teleconference with Court	0.7	\$250	\$175
438	SJN	12/07/07	Call to TSN re: status update and Rule 16	0.4	\$250	\$100
439	TSN	12/07/07	Telephone with SJN re: conference with the court today	0.3	\$450	\$135
440	SJN	12/08/07	Review draft stips	0.1	\$250	\$25
441	SJN	12/08/07	E-mails to JLR	0.1	\$250	\$25
442	SJN	12/08/07	Pleadings review	0.1	\$250	\$25
443	TSN	12/08/07	E-mail to co-counsel	0.2	\$450	\$90
444	SJN	12/10/07	E-mails from and to defense counsel	0.1	\$250	\$25

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
445	SJN	12/10/07	Pleadings review	0.1	\$250	\$25
446	JML	12/11/07	Draft form of order for lifting the stay and e-mail to counsel regarding same	0.4	\$250	\$100
447	SJN	12/12/07	E-mail from JLR	0.1	\$250	\$25
448	TSN	12/12/07	Telephone with client about further proceedings in his case and discovery and trial	0.4	\$450	\$180
449	SJN	12/30/07	Legal research - post-Garcetti-whistleblowing - new CofA authority	0.3	\$250	\$75
450	JML	01/08/08	E-mail to SJN regarding briefing	0.1	\$250	\$25
451	SJN	01/08/08	Pleadings review	0.1	\$250	\$25
452	SJN	01/13/08	Legal research - grand jury speech and Garcetti	0.2	\$250	\$50
453	CAS	01/17/08	Handle overbilling of conference call	0.2	\$170	\$34
454	CAS	01/17/08	Draft memo re: teleconference billing issue	0.1	\$170	\$17
455	TSN	02/01/08	E-mail to JLR about offer to judgment	0.2	\$450	\$90
456	SJN	02/02/08	Drafting M to D AB	0.3	\$250	\$75

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
457	TSN	02/02/08	Analyze offer of judgment	0.2	\$450	\$90
458	TSN	02/02/08	Analyze offer of judgment	0.2	\$450	\$90
459	SJN	02/03/08	Drafting M to D AB	5.4	\$250	\$1,350
460	JML	02/04/08	Meeting with TSN regarding offer of judgment	0.1	\$250	\$25
461	JML	02/04/08	Telephone to client regarding offer of judgment	0.4	\$250	\$100
462	JML	02/04/08	Memo to TSN regarding conversation with client	0.4	\$250	\$100
463	SJN	02/04/08	Drafting M to D AB	7.0	\$250	\$1,750
464	TSN	02/04/08	Review e-mail on settlement	0.2	\$450	\$90
465	CAS	02/05/08	E-mail to law clerk re: bluebooking	0.1	\$170	\$17
466	JML	02/05/08	Review and revise SJN Brief draft 1	1.5	\$250	\$375
467	SJN	02/05/08	Drafting M to D AB	3.1	\$250	\$775
468	TSN	02/05/08	Review current draft of our opposition brief	0.2	\$450	\$90

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
469	JML	02/06/08	Revise SJN brief draft 2	1.3	\$250	\$325
470	JML	02/06/08	Revise SJN brief draft 3	0.5	\$250	\$125
471	SJN	02/06/08	Meeting with TSN re: briefing	0.3	\$250	\$75
472	SJN	02/06/08	Finalizing M to D AB	8.3	\$250	\$2,075
473	TSN	02/06/08	Meeting with SJN re: briefing	0.3	\$450	\$135
474	TSN	02/06/08	Draft 4 of brief	1.3	\$450	\$585
475	TSN	02/06/08	Revise petition clause section of brief	0.2	\$450	\$90
476	CAS	02/07/08	File brief and serve copy on court	0.2	\$170	\$34
477	CAS	02/08/08	Review e-mails from TSN	0.1	\$170	\$17
478	JML	02/08/08	Telephone to client regarding offer of judgment	0.1	\$250	\$25
479	JML	02/08/08	Telephone from client regarding settlement decision	0.2	\$250	\$50
480	JML	02/08/08	Memo to TSN regarding brief, offer of judgment, and settlement decision	0.5	\$250	\$125

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
481	JML	02/08/08	E-mail to TSN regarding client's portion of offer of judgment	0.1	\$250	\$25
482	TSN	02/08/08	Review clients instructions on settlement and e-mail approval	0.2	\$450	\$90
483	CAS	02/09/08	Review various e-mails	0.1	\$170	\$17
484	JML	02/09/08	Draft Notice of Acceptance of Offer of Judgment to opposing counsel	0.1	\$250	\$25
485	JML	02/09/08	Draft letter to Court regarding acceptance of offer of judgment	0.4	\$250	\$100
486	TSN	02/09/08	Telephone meeting with client about settlement decision	0.6	\$450	\$270
487	CAS	02/10/08	Review e-mails from TSN	0.1	\$170	\$17
488	RW	02/10/08	E-mail from TSN	0.1	\$170	\$17
489	JML	02/11/08	Teleconference with the Court regarding acceptance of offer of judgment and draft order of judgment to be submitted to the Court	0.3	\$250	\$75
490	RW	02/11/08	E-mail press release	0.1	\$170	\$17
491	TSN	02/11/08	Attend telephone conference with the court about resolution of the case and a fee application	0.2	\$450	\$90
492	CAS	02/12/08	Pleadings review and distribution	0.1	\$170	\$17

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
493	JML	02/14/08	Telephone from client regarding pension issue	0.1	\$250	\$25
494	JML	02/15/08	Telephone to counsel regarding pension issue and draft Order of Judgment	0.1	\$250	\$25
495	JML	02/15/08	E-mail to counsel regarding pension and Order of Judgment and e-mail to client regarding pension issue	0.2	\$250	\$50
496	JML	02/19/08	E-mail to TSN regarding defendants' 2d draft proposed form of order of judgment	0.1	\$250	\$25
497	JML	02/19/08	2d e-mail to TSN regarding counsel's 2d draft form of Order of Judgment	0.1	\$250	\$25
498	JML	02/20/08	E-mail from opposing counsel and to opposing counsel regarding her 2d draft order of judgment and our pending filing with the Court	0.1	\$250	\$25
499	JML	02/21/08	Draft letter to magistrate regarding proposed form of order	0.1	\$250	\$25
500	JML	02/21/08	E-mail to TSN regarding draft letter to USM regarding draft form of judgment order	0.1	\$250	\$25
501	JML	02/22/08	E-mail to SJN regarding my letter to the Judge	0.2	\$250	\$50
502	SJN	02/22/08	Attempts to log into Pacer to see filings	0.2	\$250	\$50
503	TSN	02/22/08	Review DI 28	0.1	\$450	\$45
504	SJN	02/25/08	Pleadings review	0.1	\$250	\$25

## Exhibit B

## All Entries by Date

## Tab 1

Item #	ATTY	Date	Description	Time	Rate	Fee
505	TSN	02/25/08	Analyze and create 5 documents to support our fee application. Create a .... [entry stops]	2.5	\$450	\$1,125
Total				247.6		\$72,664

TAB

2



## Exhibit B

## Attorneys Herzog and Warner

## Tab 2

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
324	RW	06/05/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.7	\$170	\$119	
325	RW	06/06/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.5	\$170	\$85	
326	RW	06/06/07	Memo to TSN re: Maloney/Rendina testimony in Wilmington Hospitality case	0.8	\$170	\$136	
350	CAS	07/02/07	E-mail to JLR regarding affidavits and plea agreement	0.2	\$170	\$34	
351	CAS	07/09/07	Review e-mail from TSN regarding client's new job	0.1	\$170	\$17	
373	CAS	07/16/07	E-mail from TSN regarding amended complaint and stay	0.1	\$170	\$17	
381	CAS	08/28/07	Review e-mail from JLR regarding status	0.1	\$170	\$17	
383	CAS	08/31/07	E-mails from TSN	0.1	\$170	\$17	
386	CAS	09/05/07	E-mail from TSN to client regarding settlement	0.1	\$170	\$17	
414	CAS	11/26/07	Review e-mail from defense counsel	0.1	\$170	\$17	
424	CAS	12/05/07	Review e-mails from SJN and TSN	0.1	\$170	\$17	
425	CAS	12/05/07	Review e-mail to defense counsel from SJN	0.1	\$170	\$17	

## Exhibit B

## Attorneys Herzog and Warner

## Tab 2

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
428	CAS	12/06/07	Locate proposed Rule 16 order	0.4	\$170	\$68	
429	CAS	12/06/07	Meeting with SJN re: Rule 16 order	0.1	\$170	\$17	
453	CAS	01/17/08	Handle overbilling of conference call	0.2	\$170	\$34	
454	CAS	01/17/08	Draft memo re: teleconference billing issue	0.1	\$170	\$17	
465	CAS	02/05/08	E-mail to law clerk re: bluebooking	0.1	\$170	\$17	
476	CAS	02/07/08	File brief and serve copy on court	0.2	\$170	\$34	
477	CAS	02/08/08	Review e-mails from TSN	0.1	\$170	\$17	
483	CAS	02/09/08	Review various e-mails	0.1	\$170	\$17	
487	CAS	02/10/08	Review e-mails from TSN	0.1	\$170	\$17	
488	RW	02/10/08	E-mail from TSN	0.1	\$170	\$17	
490	RW	02/11/08	E-mail press release	0.1	\$170	\$17	
492	CAS	02/12/08	Pleadings review and distribution	0.1	\$170	\$17	

## Exhibit B

## Attorneys Herzog and Warner

## Tab 2

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
Subtotal				4.7		\$799	\$0
Total Warner & Herzog (Non-Compensable)						\$799	

TAB

3

## Exhibit B

## Clerical Activities

## Tab 3

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
11	SJN	10/21/03	Conference with TSN, JLR, MDH to discuss conflict issues.	0.5	\$250	\$125	
12	TSN	10/21/03	Meet with JLR, MH, SJN about conflict of interest issues and the representation.	0.5	\$450	\$225	
67	JML	08/17/04	Revise Summons of John Cunningham	0.1	\$250	\$25	
86	JML	08/30/04	Revise Civil Cover Sheet	0.2	\$250	\$50	
116	TSN	09/08/04	E-mail JLR with things to do.	0.2	\$450	\$90	
453	CAS	01/17/08	Handle overbilling of conference call	0.2	\$170	\$34	\$34
454	CAS	01/17/08	Draft memo re: teleconference billing issue	0.1	\$170	\$17	\$17
465	CAS	02/05/08	E-mail to law clerk re: bluebooking	0.1	\$170	\$17	\$17
476	CAS	02/07/08	File brief and serve copy on court	0.2	\$170	\$34	\$34
Subtotal				2.1		\$617	\$102
Total Clerical (Non-Compensable)				1.5		\$515	

TAB

4

## Exhibit B

## Press-Related Activities

## Tab 4

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
82	TSN	08/27/04	Telephone from the AP.	0.1	\$450	\$45	
92	TSN	08/31/04	Draft press release.	0.6	\$450	\$270	
94	SJN	09/02/04	Press conference.	1.0	\$250	\$250	
97	SJN	09/02/04	Respond to media inquiries.	0.5	\$250	\$125	
103	TSN	09/02/04	Attend press conference for client, preparation.	1.4	\$450	\$630	
363	TSN	07/10/07	Telephone with client, return call from media	0.2	\$450	\$90	
490	RW	02/11/08	E-mail press release	0.1	\$170	\$17	\$17
Subtotal				3.9		\$1,427	\$17
Total Press (Non-Compensable)				3.8		\$1,410	

TAB

5



## Exhibit B

## Unrelated Activities

## Tab 5

## EEOC Hearing

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
26	TSN	04/08/04	Review JLR letter to EEOC.	0.1	\$450	\$45	
27	TSN	04/10/04	Review memo from JLR.	0.1	\$450	\$45	
35	JML	06/10/04	Meeting with law clerk regarding statute of limitations issue	0.1	\$250	\$25	
36	TSN	06/10/04	Discuss with JLR the EEOC timeliness issue.	0.1	\$450	\$45	
40	JML	06/17/04	Review law clerk's legal research memo regarding statute of limitations	0.3	\$250	\$75	
41	TSN	06/22/04	Review SOL resesarch memo.	0.1	\$450	\$45	

## Medical Records

157	JML	12/23/04	Review cardiologist medical records and end of year pay stubs for 2001-2004	0.5	\$250	\$125	
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Garcetti

282	SJN	07/05/06	Meeting with TSN re: impact of Garcetti	0.1	\$250	\$25	
283	TSN	07/05/06	Meeting with SJN re: impact of Garcetti	0.1	\$450	\$45	
284	JML	07/25/06	Meeting with TSN regarding case in light of new SCt case	0.2	\$250	\$50	

## Exhibit B

## Unrelated Activities

## Tab 5

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
288	JML	08/14/06	Telephone to client and e-mail to TSN regarding Supreme Court decision	0.2	\$250	\$50	
289	JML	08/14/06	Review Garcetti decision and analyze its impact on the case	1.0	\$250	\$250	
290	JML	08/14/06	Review TSN brief regarding Garcetti case law affecting this case	0.5	\$250	\$125	
291	JML	08/15/06	Telephone to client and e-mail to TSN regarding S.Ct. decision	0.2	\$250	\$50	
347	SJN	06/24/07	Legal research - speech to grand jury still protect post-Garcetti cases	0.2	\$250	\$50	

Wilmington Hospitality v. NCC

324	RW	06/05/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.7	\$170	\$119	\$119
325	RW	06/06/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.5	\$170	\$85	\$85
326	RW	06/06/07	Memo to TSN re: Maloney/Rendina testimony in Wilmington Hospitality case	0.8	\$170	\$136	\$136
340	JML	06/19/07	Review memo from RW regarding trial testimony of LM and MR in NCC case	0.3	\$250	\$75	

Maloney v. NCC

323	TSN	06/03/07	E-mail to Maloney statements	0.1	\$450	\$45	
330	TSN	06/14/07	Meet with Maloney and Rendina about the facts of the case	1.0	\$450	\$450	

## Exhibit B

## Unrelated Activities

## Tab 5

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
332	JML	06/18/07	E-mail to RW regarding depositions of LM and MR and to CAH regarding affidavits of LM and MR	0.2	\$250	\$50	
338	JML	06/19/07	Review Complaint and deposition testimony of LM in County case	1.5	\$250	\$375	
339	JML	06/19/07	Review deposition testimony of MR in County case	0.1	\$250	\$25	
342	JML	06/19/07	Prepare questions for interviews of witnesses LM and MR	1.0	\$250	\$250	
343	JML	06/20/07	Continue preparing interview questions	0.5	\$250	\$125	
344	JML	06/20/07	Telephone to LM regarding interview	0.1	\$250	\$25	
345	JML	06/20/07	Draft letter to LM and MR regarding interview	0.3	\$250	\$75	
346	JML	06/21/07	E-mail to witness regarding interviews	0.2	\$250	\$50	
348	JML	06/27/07	Interview MR regarding case	2.0	\$250	\$500	
349	JML	06/27/07	Interview LM regarding case	2.2	\$250	\$550	
350	CAS	07/02/07	E-mail to JLR regarding affidavits and plea agreement	0.2	\$170	\$34	\$34
352	JML	07/09/07	Draft Declaration of LM	3.0	\$250	\$750	

## Exhibit B

## Unrelated Activities

## Tab 5

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
358	TSN	07/09/07	Review L. Maloney declaration	0.2	\$450	\$90	
361	JML	07/10/07	Draft Declaration of MR	3.0	\$250	\$750	
362	JML	07/10/07	Telephone to LM regarding additional facts for Declaration	0.1	\$250	\$25	
368	JML	07/12/07	Telephone to MR regarding facts	1.4	\$250	\$350	
370	JML	07/13/07	Revise MR Declaration	1.1	\$250	\$275	
371	JML	07/13/07	Revise Declaration of LM	1.4	\$250	\$350	
374	JML	07/23/07	Finalize Declaration of LM	0.4	\$250	\$100	
378	JML	07/26/07	E-mail to co-counsel regarding Declarations and other NCC material	0.1	\$250	\$25	
379	JML	08/23/07	E-mail to MR regarding her declaration	0.1	\$250	\$25	
380	JML	08/27/07	Finalize declaration of MR and e-mail to witness regarding same	1.0	\$250	\$250	

## Frivolous Witnesses or Fact Gathering

8	JML	10/10/03	Review deposition of Colonel Cunningham regarding promotions in NCC PD	0.3	\$250	\$75	
9	JML	10/10/03	Memo to TSN regarding Cunningham deposition testimony regarding NCC PD promotions	0.8	\$250	\$200	

## Exhibit B

## Unrelated Activities

## Tab 5

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
109	SJN	09/03/04	E-mail to TSN & JLR re: Freebery order via Janet Smith to alter police report.	0.1	\$250	\$25	
179	TSN	02/04/05	Meet with KM about NCCPD promotion process.	0.6	\$450	\$270	
319	TSN	05/29/07	Fact investigation, attend the deposition of Maloney & Rendina on the operation of NCC	1.4	\$450	\$630	
115	TSN	09/08/04	Call from M. Allen about the police report claims.	0.2	\$450	\$90	

## Unknown Entries

115	TSN	09/08/04	Call from M. Allen about the police report claims.	0.2	\$450	\$90	
175	TSN	01/27/05	Telephone with Jeff Goddess.	0.1	\$450	\$45	
178	TSN	02/02/05	E-mail JLR on Coons transition actions.	0.2	\$450	\$90	
183	TSN	02/09/05	Think about recusal decision by the court.	0.2	\$450	\$90	
188	TSN	02/11/05	File memo on recusal.	0.2	\$450	\$90	
227	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	
228	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	
228	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	

## Exhibit B

## Unrelated Activities

## Tab 5

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
341	JML	06/19/07	Review deposition of defendant Freeberry in County police case	2.0	\$250	\$500	
364	JML	07/11/07	Review Riddel original and first amended complaints for our First Amended Complaint	1.0	\$250	\$250	
398	TSN	10/09/07	Meet with MH	0.1	\$450	\$45	
401	TSN	10/25/07	Meet with MH re: the case	0.1	\$450	\$45	
411	TSN	11/15/07	Discuss case with MH	0.2	\$450	\$90	
Subtotal				35.6		\$9,904	\$374
Total Unrelated (Non-Compensable)				33.0		\$9,530	

TAB

6

## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
27	TSN	04/10/04	Review memo from JLR.	0.1	\$450	\$45	\$45
28	TSN	04/21/04	Meet with JLR on status of the case.	0.1	\$450	\$45	
79	SJN	08/27/04	Meeting with TSN.	0.3	\$250	\$75	
80	TSN	08/27/04	Meeting with Steve	0.3	\$450	\$135	
81	TSN	08/27/04	Document drafting, copy counsel to review.	0.3	\$450	\$135	
98	SJN	09/02/04	Telephone with Hank.	0.1	\$250	\$25	
99	SJN	09/02/04	Telephone calls with Tom.	0.2	\$250	\$50	
100	SJN	09/02/04	Fact investigation.	0.5	\$250	\$125	
101	SJN	09/02/04	Calls with Steve.	0.2	\$250	\$50	
104	SJN	09/03/04	Telephone with TSN.	0.1	\$250	\$25	
105	SJN	09/03/04	Call to Hank.	0.1	\$250	\$25	
106	SJN	09/03/04	Fact investigation.	0.3	\$250	\$75	



## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
107	SJN	09/03/04	E-mail to TSN & JLR.	0.1	\$250	\$25	
110	SJN	09/03/04	Calls with Steve.	0.2	\$250	\$50	
111	SJN	09/07/04	Fact investigation.	0.2	\$250	\$50	
112	SJN	09/08/04	Meeting with TSN.	0.3	\$250	\$75	
117	TSN	09/08/04	Meeting with Steve.	0.3	\$450	\$135	
118	TSN	09/09/04	Review two e-mails from client and reply.	0.2	\$450	\$90	
119	TSN	09/09/04	Investigate facts given by client.	0.2	\$450	\$90	
120	SJN	09/10/04	Fact investigation.	0.1	\$250	\$25	
121	SJN	09/13/04	Review e-mails.	0.1	\$250	\$25	
124	SJN	10/01/04	Meeting with TSN.	0.1	\$250	\$25	
126	TSN	10/01/04	Meeting with SJN.	0.1	\$450	\$45	
147	TSN	11/30/04	E-mail to JLR.	0.1	\$450	\$45	

## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
176	TSN	01/27/05	E-mail to JLR>	0.1	\$450	\$45	
177	TSN	01/29/05	E-mail to JLR.	0.1	\$450	\$45	
205	TSN	03/03/05	Meet with JLR about the case.	0.2	\$450	\$90	
215	TSN	03/15/05	E-mail to JLR.	0.1	\$450	\$45	
219	TSN	03/18/05	Email to co-counsel	0.1	\$450	\$45	
221	TSN	03/22/05	E-mail to JLR	0.1	\$450	\$45	
241	TSN	04/18/05	E-mails from JLR	0.1	\$450	\$45	
254	TSN	04/22/05	E-mail to co-counsel	0.1	\$450	\$45	
256	TSN	05/12/05	E-mail on witnesses	0.1	\$450	\$45	
257	TSN	05/19/05	Review e-mail from client	0.1	\$450	\$45	
260	TSN	05/26/05	E-mail to client	0.2	\$450	\$90	
262	TSN	06/07/05	E-mail to client	0.2	\$450	\$90	

## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
263	TSN	06/07/05	E-mail from JLR and respond	0.1	\$450	\$45	
264	TSN	06/08/05	Speak with JLR about the facts	0.1	\$450	\$45	
265	TSN	06/25/05	Telephone with client	0.1	\$450	\$45	
268	TSN	06/28/05	Fact investigation	0.3	\$450	\$135	
271	TSN	07/21/05	E-mail from client and respond	0.2	\$450	\$90	
272	TSN	08/23/05	Discuss status of the case with JLR	0.1	\$450	\$45	
273	TSN	08/25/05	Letter to client	0.2	\$450	\$90	
274	TSN	09/09/05	E-mail to co-counsel	0.1	\$450	\$45	
275	TSN	10/04/05	E-mail from client and respond	0.1	\$450	\$45	
278	TSN	03/18/06	E-mail from client and respond	0.1	\$450	\$45	
279	TSN	06/01/06	E-mail from client and respond	0.1	\$450	\$45	
280	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45	

## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
281	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45	
286	TSN	08/10/06	Call from client	0.1	\$450	\$45	
287	TSN	08/10/06	E-mail to JLR and client	0.1	\$450	\$45	
311	TSN	01/09/07	Try to reach my client	0.1	\$450	\$45	
312	TSN	01/09/07	Telephone with client	0.1	\$450	\$45	
314	TSN	01/12/07	Review e-mail	0.1	\$450	\$45	
315	TSN	03/08/07	E-mail from client and respond	0.1	\$450	\$45	
317	SJN	05/03/07	E-mail from JLR	0.1	\$250	\$25	
321	TSN	06/01/07	E-mail from JLR and reply	0.1	\$450	\$45	
329	TSN	06/07/07	E-mail on evidence issue	0.2	\$450	\$90	
335	TSN	06/18/07	E-mail from client and reply	0.2	\$450	\$90	
336	TSN	06/18/07	E-mail on the stay	0.1	\$450	\$45	

## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
355	SJN	07/09/07	Call from TSN	0.2	\$250	\$50	
357	TSN	07/09/07	Telephone with client	0.2	\$450	\$90	
381	CAS	08/28/07	Review e-mail from JLR regarding status	0.1	\$170	\$17	\$17
382	TSN	08/28/07	E-mail on status	0.1	\$450	\$45	
383	CAS	08/31/07	E-mails from TSN	0.1	\$170	\$17	\$17
384	TSN	08/31/07	E-mail to client	0.2	\$450	\$90	
385	TSN	08/31/07	E-mail to client	0.2	\$450	\$90	
387	TSN	09/05/07	E-mail from client and respond	0.2	\$450	\$90	
395	TSN	09/25/07	E-mail from JLR	0.1	\$450	\$45	
424	CAS	12/05/07	Review e-mails from SJN and TSN	0.1	\$170	\$17	\$17
425	CAS	12/05/07	Review e-mail to defense counsel from SJN	0.1	\$170	\$17	\$17
435	SJN	12/07/07	E-mails to co-counsel	0.1	\$250	\$25	

## Exhibit B

## Unspecific Entries

## Tab 6

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
441	SJN	12/08/07	E-mails to JLR	0.1	\$250	\$25	
443	TSN	12/08/07	E-mail to co-counsel	0.2	\$450	\$90	
444	SJN	12/10/07	E-mails from and to defense counsel	0.1	\$250	\$25	
447	SJN	12/12/07	E-mail from JLR	0.1	\$250	\$25	
477	CAS	02/08/08	Review e-mails from TSN	0.1	\$170	\$17	\$17
483	CAS	02/09/08	Review various e-mails	0.1	\$170	\$17	\$17
487	CAS	02/10/08	Review e-mails from TSN	0.1	\$170	\$17	\$17
488	RW	02/10/08	E-mail from TSN	0.1	\$170	\$17	\$17
Subtotal				11.7		\$4,321	\$136
<b>Total Unspecific (Non-Compensable)</b>				<b>10.9</b>		<b>\$4,185</b>	

TAB

7

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
18	JML	02/04/04	Memo to TSN regarding today's telephone call from client	0.5	\$250	\$125	
22	JML	03/08/04	Meeting with client to review new factual documents from him	1.0	\$250	\$250	
23	JML	03/29/04	Telephone from client regarding new promotion to Captain and memo to TSN regarding advice on new Captain vacancy	0.7	\$250	\$175	
29	JML	04/26/04	Telephone from client regarding new Captain promotion and memo to TSN regarding same	0.7	\$250	\$175	
33	JML	05/27/04	Telephone to client and memo to TSN regarding retaliation: lowered ranking, denied promotion, and Middletown transfer	0.8	\$250	\$200	
41	TSN	06/22/04	Review SOL resesarch memo.	0.1	\$450	\$45	\$45
43	TSN	07/26/04	Try to reach my client about filing the case.	0.1	\$450	\$45	
44	TSN	07/26/04	Telephone with client to set appointment.	0.1	\$450	\$45	
50	JML	07/28/04	Telephone from client regarding dates of his protected activity	0.1	\$250	\$25	
65	JML	08/17/04	Telephone to client regarding content of his protected speech, retaliatory transfer, and injury to reputation	0.6	\$250	\$150	
68	JML	08/17/04	2d telephone call to client regarding his additional information on accident and the continued retaliation	0.3	\$250	\$75	
75	TSN	08/24/04	Telephone with client about his draft complaint and his need to review it for factual accuracy and whether he wishes to hold a press conference.	0.1	\$450	\$45	



## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
87	TSN	08/30/04	Meet with client to review facts of the complaint and make revisions.	1.0	\$450	\$450	
95	SJN	09/02/04	Fact investigation and meeting with client.	1.3	\$250	\$325	
96	SJN	09/02/04	Fact investigation re: other incidents where Freebery's has done this.	0.3	\$250	\$75	
100	SJN	09/02/04	Fact investigation.	0.5	\$250	\$125	\$125
102	TSN	09/02/04	Meeting with client about facts.	1.0	\$450	\$450	
106	SJN	09/03/04	Fact investigation.	0.3	\$250	\$75	\$75
108	SJN	09/03/04	Phone call to investigate the facts of the police report being doctored.	0.1	\$250	\$25	
113	TSN	09/08/04	Review fact statements by parties.	0.2	\$450	\$90	
114	TSN	09/08/04	Review witness statements and email client.	0.4	\$450	\$180	
115	TSN	09/08/04	Call from M. Allen about the police report claims.	0.2	\$450	\$90	\$90
119	TSN	09/09/04	Investigate facts given by client.	0.2	\$450	\$90	\$90
120	SJN	09/10/04	Fact investigation.	0.1	\$250	\$25	\$25

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
121	SJN	09/13/04	Review e-mails.	0.1	\$250	\$25	\$25
148	TSN	12/05/04	Fact investigation on expected changes in County government in January and effect on this case.	0.5	\$450	\$225	
149	JML	12/08/04	Telephone to economist regarding retaining him for an expert report	0.3	\$250	\$75	
156	JML	12/22/04	Letter to economist regarding follow up data from today's conversation with client	0.4	\$250	\$100	
157	JML	12/23/04	Review cardiologist medical records and end of year pay stubs for 2001-2004	0.5	\$250	\$125	\$125
158	JML	12/23/04	Draft letter to economist regarding additional pension documents	0.1	\$250	\$25	
159	JML	12/29/04	E-mail to economist regarding his initial draft report	0.1	\$250	\$25	
160	JML	12/30/04	Telephone to client and 2 calls from client regarding salary range for Lt. Colonel, date of pay increase to Captain QW, and date of promotion to Major	0.3	\$250	\$75	
161	JML	12/30/04	Draft letter to economist regarding additional information and documents and 4 scenarios of denied promotions and pay increases	0.5	\$250	\$125	
162	JML	12/31/04	E-mail to Dr. Black regarding 3rd denied promotion scenario	0.2	\$250	\$50	
163	JML	01/03/05	Review second draft economic report from Dr. Black	0.4	\$250	\$100	
164	JML	01/03/05	E-mail to economist regarding corrections to latest draft of report	0.1	\$250	\$25	

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
165	JML	01/03/05	E-mail from and to economist regarding title page of his report	0.2	\$250	\$50	
169	JML	01/14/05	Telephone to Dr. Black regarding revising his economic report to include tax effect	0.1	\$250	\$25	
172	JML	01/18/05	Contact economist regarding additional documents for him to review	0.1	\$250	\$25	
174	TSN	01/26/05	Review revised economic expert report.	0.3	\$450	\$135	
179	TSN	02/04/05	Meet with KM about NCCPD promotion process.	0.6	\$450	\$270	\$270
182	TSN	02/09/05	Gather facts on county finances.	0.1	\$450	\$45	
204	JML	03/03/05	Memorandum to client regarding economic, compensatory, and punitive damages, his economic report, settlement demand package, Dr. Black, and detail report	1.0	\$250	\$250	
206	JML	03/08/05	Telephone to client regarding further retaliatory transfer back to Minquedale for shift work	0.1	\$250	\$25	
207	JML	03/08/05	Memo to TSN regarding further retaliatory transfer back to Minquedale for shift work	0.2	\$250	\$50	
223	JML	03/24/05	E-mail to Dr. Black regarding expert report	0.1	\$250	\$25	
227	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	\$90
228	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	\$90

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
273	TSN	08/25/05	Letter to client	0.2	\$450	\$90	\$90
277	TSN	01/31/06	Reply to clients e-mail on his damages	0.2	\$450	\$90	
278	TSN	03/18/06	E-mail from client and respond	0.1	\$450	\$45	\$45
279	TSN	06/01/06	E-mail from client and respond	0.1	\$450	\$45	\$45
280	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45	\$45
281	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45	\$45
294	JML	08/30/06	Draft Memo to TSN regarding today's meeting	0.6	\$250	\$150	
306	JML	11/10/06	Telephone to client regarding his case status	0.1	\$250	\$25	
311	TSN	01/09/07	Try to reach my client	0.1	\$450	\$45	\$45
312	TSN	01/09/07	Telephone with client	0.1	\$450	\$45	\$45
315	TSN	03/08/07	E-mail from client and respond	0.1	\$450	\$45	\$45
318	TSN	05/29/07	E-mail on interview fact witnesses	0.2	\$450	\$90	

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
319	TSN	05/29/07	Fact investigation, attend the deposition of Maloney & Rendina on the operation of NCC	1.4	\$450	\$630	\$630
326	RW	06/06/07	Memo to TSN re: Maloney/Rendina testimony in Wilmington Hospitality case	0.8	\$170	\$136	\$136
330	TSN	06/14/07	Meet with Maloney and Rendina about the facts of the case	1.0	\$450	\$450	\$450
335	TSN	06/18/07	E-mail from client and reply	0.2	\$450	\$90	\$90
344	JML	06/20/07	Telephone to LM regarding interview	0.1	\$250	\$25	\$25
345	JML	06/20/07	Draft letter to LM and MR regarding interview	0.3	\$250	\$75	\$75
346	JML	06/21/07	E-mail to witness regarding interviews	0.2	\$250	\$50	\$50
348	JML	06/27/07	Interview MR regarding case	2.0	\$250	\$500	\$500
349	JML	06/27/07	Interview LM regarding case	2.2	\$250	\$550	\$550
357	TSN	07/09/07	Telephone with client	0.2	\$450	\$90	\$90
362	JML	07/10/07	Telephone to LM regarding additional facts for Declaration	0.1	\$250	\$25	\$25
363	TSN	07/10/07	Telephone with client, return call from media	0.2	\$450	\$90	\$90

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
368	JML	07/12/07	Telephone to MR regarding facts	1.4	\$250	\$350	\$350
379	JML	08/23/07	E-mail to MR regarding her declaration	0.1	\$250	\$25	\$25
384	TSN	08/31/07	E-mail to client	0.2	\$450	\$90	\$90
385	TSN	08/31/07	E-mail to client	0.2	\$450	\$90	\$90
387	TSN	09/05/07	E-mail from client and respond	0.2	\$450	\$90	\$90
388	JML	09/12/07	Telephone to client regarding case status	0.4	\$250	\$100	
390	JML	09/13/07	E-mail to client regarding today's meeting	0.3	\$250	\$75	
398	TSN	10/09/07	Meet with MH	0.1	\$450	\$45	\$45
401	TSN	10/25/07	Meet with MH re: the case	0.1	\$450	\$45	\$45
411	TSN	11/15/07	Discuss case with MH	0.2	\$450	\$90	\$90
428	CAS	12/06/07	Locate proposed Rule 16 order	0.4	\$170	\$68	\$68
Subtotal				31.7		\$9,949	\$5,059

## Exhibit B

## Paralegal Activities

## Tab 7

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
<b>Total Hours to be Recalculated at Paraprofessional Rate</b>				<b>16.2</b>		<b>\$4,890</b>	
<b>Hours at Paraprofessional Rate</b>				<b>16.2</b>	<b>\$70</b>	<b>\$1,134</b>	
<b>Total Reduction</b>						<b>\$3,756</b>	

TAB

8



## Exhibit B

## Excessive Time Spent on Complaint

## Tab 8

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
49	JML	07/28/04	Draft Complaint: Caption, Parties, Jurisdiction, and Wherefore Clause	1.5	\$250	\$375	
51	JML	07/29/04	Meeting with TSN regarding defendants to name and allegations to make in the Complaint	0.2	\$250	\$50	
52	TSN	07/29/04	Meet with JLR about draft complaint and the parties defendant.	0.2	\$450	\$90	
53	JML	08/03/04	Review TSN memo regarding meeting with client	0.1	\$250	\$25	
54	JML	08/04/04	Complaint preparation	0.1	\$250	\$25	
55	JML	08/04/04	Revise Complaint Caption, Parties, and Wherefore Clause	0.2	\$250	\$50	
56	JML	08/04/04	Complaint preparation: Draft facts relating to employment history and circumstantial evidence of retaliation	1.5	\$250	\$375	
57	JML	08/04/04	Complaint preparation: Draft allegations regarding defendants' conduct	0.3	\$250	\$75	
58	JML	08/04/04	Draft Counts I and II: Free Speech and Petition Clause violations	0.3	\$250	\$75	
59	JML	08/04/04	Draft facts relating to individual defendants' decision making and less qualified successful candidate	0.5	\$250	\$125	
60	JML	08/09/04	Continue drafting Complaint: Plaintiff's Injuries	0.5	\$250	\$125	
61	JML	08/14/04	Draft facts regarding cover up of accident	1.2	\$250	\$300	

## Exhibit B

## Excessive Time Spent on Complaint

## Tab 8

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
62	JML	08/14/04	Draft facts regarding campaign and election improprieties	1.3	\$250	\$325	
63	JML	08/16/04	Draft Civil Cover Sheet and Summons and revise Complaint	0.6	\$250	\$150	
64	JML	08/16/04	Complaint preparation: Draft Injunctive relief	0.5	\$250	\$125	
66	JML	08/17/04	Continue drafting Complaint: content of protected speech, retaliatory transfer, and injury to reputation	3.0	\$250	\$750	
69	JML	08/20/04	Telephone to client regarding TSN revision of Complaint	0.3	\$250	\$75	
70	JML	08/23/04	Revise Complaint based on Friday's conversation with client	0.1	\$250	\$25	
71	TSN	08/23/04	Work on second draft of complaint.	1.2	\$450	\$540	
72	TSN	08/23/04	Second draft of the complaint.	2.5	\$450	\$1,125	
73	JML	08/24/04	Continue revising of Complaint and telephone to client regarding same	0.4	\$250	\$100	
74	SJN	08/24/04	Review and edit draft 0.2 of complaint	0.4	\$250	\$100	
75	TSN	08/24/04	Telephone with client about his draft complaint and his need to review it for factual accuracy and whether he wishes to hold a press conference.	0.1	\$450	\$45	\$45
76	TSN	08/25/04	Draft 3 of the complaint.	1.9	\$450	\$855	

## Exhibit B

## Excessive Time Spent on Complaint

## Tab 8

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
77	JML	08/26/04	Telephone to client regarding revised Complaint	0.3	\$250	\$75	
78	JML	08/27/04	Review TSN's draft Complaint	0.3	\$250	\$75	
81	TSN	08/27/04	Document drafting, copy counsel to review.	0.3	\$450	\$135	\$135
83	SJN	08/29/04	Review and edit draft 3 of complaint.	0.6	\$250	\$150	
84	JML	08/30/04	Review and revise draft Complaint	0.2	\$250	\$50	
86	JML	08/30/04	Revise Civil Cover Sheet	0.2	\$250	\$50	\$50
87	TSN	08/30/04	Meet with client to review facts of the complaint and make revisions.	1.0	\$450	\$450	\$450
88	TSN	08/30/04	Final draft of complaint.	2.5	\$450	\$1,125	
90	SJN	08/31/04	Review latest draft of complaint.	0.3	\$250	\$75	
91	TSN	08/31/04	Finalize complaint.	0.7	\$450	\$315	
333	SJN	06/18/07	Meeting with TSN re: amending complaint	0.1	\$250	\$25	
334	TSN	06/18/07	Meeting with SJN re: amending complaint	0.1	\$450	\$45	

## Exhibit B

## Excessive Time Spent on Complaint

## Tab 8

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
337	JML	06/19/07	E-mail to TSN regarding no Answer filed and amending the Complaint	0.1	\$250	\$25	
338	JML	06/19/07	Review Complaint and deposition testimony of LM in County case	1.5	\$250	\$375	\$375
365	JML	07/11/07	Begin drafting First Amended Complaint	1.2	\$250	\$300	
366	JML	07/11/07	Revise draft 1 of First Amended Complaint and e-mail to TSN regarding same	1.5	\$250	\$375	
367	JML	07/12/07	Revise First Amended Complaint	0.4	\$250	\$100	
369	TSN	07/12/07	Review amended complaint	0.2	\$450	\$90	
372	SJN	07/14/07	Review and revise first amended complaint	0.7	\$250	\$175	
373	CAS	07/16/07	E-mail from TSN regarding amended complaint and stay	0.1	\$170	\$17	\$17
374	JML	07/23/07	Finalize Declaration of LM	0.4	\$250	\$100	\$100
375	JML	07/24/07	Finalize First Amended Complaint	1.5	\$250	\$375	
Subtotal				33.1		\$10,407	\$1,172
<b>Total Complaint (Excessive)</b>				<b>29.5</b>		<b>\$9,235</b>	

TAB

9

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
134	SJN	11/10/04	Meeting with TSN re: settlement.	0.2	\$250	\$50	
135	TSN	11/10/04	Discuss with JLR settlement strategy for the case.	0.5	\$450	\$225	
136	TSN	11/10/04	Meeting with SJN re: settlement.	0.2	\$450	\$90	
152	SJN	12/21/04	Meeting with TSN re: settlement strategy.	0.1	\$250	\$25	
153	TSN	12/21/04	Meet with JLR about settlement strategy.	0.3	\$450	\$135	
154	TSN	12/21/04	Meeting with SJN re: settlement strategy.	0.1	\$450	\$45	
166	SJN	01/05/05	Review TSN settlement concept e-mail.	0.1	\$250	\$25	
170	TSN	01/16/05	E-mail to JLR about settlement and Monell issues.	0.3	\$450	\$135	
173	JML	01/20/05	Begin drafting Settlement package	2.0	\$250	\$500	
180	JML	02/07/05	E-mail from TSN and to client regarding demand letter	0.2	\$250	\$50	
181	TSN	02/07/05	E-mail JLR on timing of settlement demand.	0.1	\$450	\$45	
186	JML	02/11/05	Review TSN-SJN draft settlement demand in NCC case	1.5	\$250	\$375	

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
187	JML	02/11/05	Continue drafting settlement package	1.4	\$250	\$350	
189	JML	02/14/05	Continue drafting settlement package: Statement of Facts	1.6	\$250	\$400	
190	JML	02/16/05	Continue drafting settlement demand: Fact Witnesses and Expert Witnesses and Physical Injuries	1.5	\$250	\$375	
191	JML	02/16/05	Continue drafting settlement demand: Damages, Injuries, Relief, Attorneys' Fees, and Punitives	1.9	\$250	\$475	
192	JML	02/17/05	Continue drafting settlement package: Argument Section I	1.5	\$250	\$375	
193	JML	02/17/05	Continue drafting settlement package: Argument Section II	1.5	\$250	\$375	
194	JML	02/17/05	Continue drafting settlement package: Argument Section III	1.5	\$250	\$375	
195	JML	02/18/05	Continue drafting settlement package: Finish Argument Section III	0.1	\$250	\$25	
196	JML	02/18/05	Continue drafting Settlement package: Argument Section IV	1.4	\$250	\$350	
197	JML	02/18/05	Continue drafting Settlement package: Argument Section V	1.4	\$250	\$350	
199	JML	02/18/05	Continue drafting Settlement package: Argument Sections VI and VII	2.0	\$250	\$500	
200	JML	02/18/05	Continue drafting settlement package: Settlement Proposal	1.0	\$250	\$250	

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
201	JML	02/18/05	Review and revise entire 70 page settlement package	1.9	\$250	\$475	
202	TSN	02/19/05	E-mail on settlement.	0.1	\$450	\$45	
203	SJN	02/20/05	Review and revise settlement proposal.	0.8	\$250	\$200	
209	JML	03/14/05	Review litigation report from NCC	0.1	\$250	\$25	
210	JML	03/14/05	Prepare for today's briefing of TSN for his meeting tomorrow with the County attorney	1.5	\$250	\$375	
211	JML	03/14/05	Update settlement package to include new developments in the case: Transfer to Patrol Squad B, additional defense attorneys' fees, etc	0.9	\$250	\$225	
212	JML	03/14/05	E-mail to TSN regarding updated settlement package	0.1	\$250	\$25	
213	SJN	03/15/05	Meet with TSN and Greg Wilson about settlement the case.	0.2	\$250	\$50	
214	TSN	03/15/05	Meet with Greg Wison and SNJ about settling the case.	0.2	\$450	\$90	
216	JML	03/16/05	Review e-mail from TSN and send e-mail to client regarding TSN meeting with County attorney	0.1	\$250	\$25	
217	SJN	03/18/05	Meet with TSN about the settlement package.	0.3	\$250	\$75	
218	TSN	03/18/05	meet with SJN about the settlement package.	0.3	\$450	\$135	



## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
222	SJN	03/23/05	Working on settlement package	0.5	\$250	\$125	
224	SJN	03/24/05	Meet with TSN about settlement proposal	0.2	\$250	\$50	
225	SJN	03/24/05	Revising settlement package	1.1	\$250	\$275	
226	TSN	03/24/05	Meet with SJN re: draft settlement proposal	0.2	\$450	\$90	
230	TSN	04/06/05	Review letter on settlement from client	0.1	\$450	\$45	
231	JML	04/15/05	Telephone to client regarding demand, meeting, and delivery of settlement package	0.1	\$250	\$25	
232	JML	04/15/05	E-mail from TSN regarding demand, meeting, and delivery of settlement package and e-mails to and from co-counsel regarding cover letter for settlement package	0.1	\$250	\$25	
233	TSN	04/15/05	Revise draft demand package	1.1	\$450	\$495	
234	TSN	04/15/05	Finish revision of demand package	1.5	\$450	\$675	
235	JML	04/16/05	Begin revising settlement package: pages 1-17	1.0	\$250	\$250	
236	JML	04/18/05	Continue revising settlement package: pp. 19-65	1.4	\$250	\$350	
237	JML	04/18/05	Continue revising settlement package: pp. 19-65	1.0	\$250	\$250	

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
238	JML	04/18/05	Continue drafting 67 page settlement package	1.0	\$250	\$250	
239	JML	04/18/05	Begin drafting letter to County attorney regarding settlement package	0.2	\$250	\$50	
240	SJN	04/18/05	Meeting with TSN re: settlement package	0.1	\$250	\$25	
242	TSN	04/18/05	Meeting with SJN re: settlement package	0.1	\$450	\$45	
243	JML	04/19/05	Finalize letter to county attorney regarding settlement package	0.1	\$250	\$25	
244	JML	04/19/05	Revise settlement package	0.3	\$250	\$75	
246	JML	04/21/05	Draft section on Plaintiff's superior qualifications	0.7	\$250	\$175	
247	JML	04/21/05	Review and finalize 67 page demand package	1.5	\$250	\$375	
248	JML	04/21/05	E-mail to TSN regarding demand package	0.1	\$250	\$25	
249	JML	04/22/05	Finalize demand package with most recent revisions and e-mail to The Neuberger Firm regarding same	0.2	\$250	\$50	
252	TSN	04/22/05	Review and approve settlement documents	0.4	\$450	\$180	
253	TSN	04/22/05	Meet with client to review and obtain approval of demand package and our negotiating strategy	1.5	\$450	\$675	

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
255	JML	04/26/05	Telephone to client and e-mail to TSN regarding delivery of demand package	0.1	\$250	\$25	
258	JML	05/20/05	Telephone to client regarding demand response and e-mail to TSN regarding same	0.2	\$250	\$50	
259	TSN	05/20/05	Meet with JLR about failure of settlement efforts	0.1	\$450	\$45	
277	TSN	01/31/06	Reply to clients e-mail on his damages	0.2	\$450	\$90	\$90
293	JML	08/30/06	Meeting with TSN and client regarding new settlement strategy	1.1	\$250	\$275	
294	JML	08/30/06	Draft Memo to TSN regarding today's meeting	0.6	\$250	\$150	\$150
295	SJN	08/30/06	Meeting with TSN re: settlement issues	0.2	\$250	\$50	
296	TSN	08/30/06	Meet with client and JLR about settlement authority	1.3	\$450	\$585	
297	TSN	08/30/06	Meeting with SJN re: settlement issues	0.2	\$450	\$90	
298	JML	09/13/06	E-mail to co-counsel regarding settlement initiatives	0.1	\$250	\$25	
299	JML	09/14/06	Meeting with co-counsel regarding NCC settlement initiatives	0.5	\$250	\$125	
300	JML	09/26/06	E-mail to co-counsel regarding NCC settlement talks	0.1	\$250	\$25	

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
301	JML	09/28/06	Telephone from co-counsel regarding status of settlement talks	0.1	\$250	\$25	
302	JML	10/02/06	Draft renewed settlement demand letter	2.5	\$250	\$625	
303	TSN	10/02/06	Edit demand letter	0.2	\$450	\$90	
304	JML	10/03/06	Finalize renewed demand letter	1.8	\$250	\$450	
305	TSN	10/06/06	Meet with JLR on status of the case	0.1	\$450	\$45	
306	JML	11/10/06	Telephone to client regarding his case status	0.1	\$250	\$25	\$25
307	TSN	11/10/06	Meet with JLR about status of negotiations	0.1	\$450	\$45	
308	TSN	12/06/06	Meet with JLR about settlement strategy	0.1	\$450	\$45	
313	SJN	01/11/07	Meeting with Hank re: settlement and case status	2.0	\$250	\$500	
316	TSN	05/02/07	E-mail to co-counsel on settlement	0.1	\$450	\$45	
353	JML	07/09/07	Telephone to TSN regarding case status	0.3	\$250	\$75	
386	CAS	09/05/07	E-mail from TSN to client regarding settlement	0.1	\$170	\$17	\$17

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
388	JML	09/12/07	Telephone to client regarding case status	0.4	\$250	\$100	\$100
389	JML	09/13/07	Meeting with client regarding settlement	1.3	\$250	\$325	
390	JML	09/13/07	E-mail to client regarding today's meeting	0.3	\$250	\$75	\$75
391	TSN	09/13/07	Meet with client about settlement	1.3	\$450	\$585	
392	JML	09/24/07	Draft new demand letter to NCC	1.5	\$250	\$375	
393	JML	09/24/07	E-mail to TSN regarding draft demand letter	0.2	\$250	\$50	
394	JML	09/25/07	Revise demand letter	0.3	\$250	\$75	
396	TSN	09/25/07	Review and edit settlement demand	0.4	\$450	\$180	
397	JML	09/26/07	Review and finalize settlement demand 3	0.3	\$250	\$75	
399	JML	10/25/07	Meeting with co-counsel regarding settlement	1.5	\$250	\$375	
400	JML	10/25/07	E-mail to client regarding sending settlement letter to the judge	0.1	\$250	\$25	
402	JML	11/06/07	Draft letter to USM regarding settlement offer	0.4	\$250	\$100	

## Exhibit B Excessive Time Spent on Settlements

Tab 9

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
403	JML	11/09/07	Finalize letter to USM	0.2	\$250	\$50	
Subtotal				63.8		\$18,162	\$457
Total Settlements (Excessive)				62.1		\$17,705	

TAB

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## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
130	TSN	11/03/04	Review two e-mails from the client.	0.1	\$450	\$45	
131	SJN	11/05/04	Meeting with TSN re: D's filing answer or motion for a stay.	0.1	\$250	\$25	
133	TSN	11/09/04	Review their stay brief and e-mail JLR about a response.	0.2	\$450	\$90	
137	JML	11/15/04	E-mail to client regarding health status report	0.1	\$250	\$25	
138	JML	11/16/04	Telephone and e-mail to client regarding damages information	0.4	\$250	\$100	
139	JML	11/16/04	E-mail to plaintiff's counsel regarding our Response to Motion to Stay	0.1	\$250	\$25	
140	SJN	11/16/04	Motion to stay briefing.	0.2	\$250	\$50	
141	JML	11/22/04	Begin drafting Memo in Opposition to Motion to Stay	2.2	\$250	\$550	
142	JML	11/24/04	Continue drafting Response to Motion to Stay	2.1	\$250	\$525	
143	JML	11/24/04	Continue drafting Response to Motion to Stay	3.5	\$250	\$875	
144	JML	11/26/04	Finalize Response to Motion to Stay and e-mail to TSN regarding same	1.3	\$250	\$325	
145	SJN	11/29/04	Review our AB.	0.2	\$250	\$50	



## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
146	TSN	11/30/04	Review our stay brief.	0.1	\$450	\$45	
147	TSN	11/30/04	E-mail to JLR.	0.1	\$450	\$45	\$45
148	TSN	12/05/04	Fact investigation on expected changes in County government in January and effect on this case.	0.5	\$450	\$225	\$225
149	JML	12/08/04	Telephone to economist regarding retaining him for an expert report	0.3	\$250	\$75	\$75
150	JML	12/16/04	Telephone from client regarding motion to stay	0.1	\$250	\$25	
151	TSN	12/19/04	Review stay decision by the court.	0.1	\$450	\$45	
155	JML	12/22/04	Telephone to client regarding economist's follow up questions	0.3	\$250	\$75	
156	JML	12/22/04	Letter to economist regarding follow up data from today's conversation with client	0.4	\$250	\$100	\$100
157	JML	12/23/04	Review cardiologist medical records and end of year pay stubs for 2001-2004	0.5	\$250	\$125	\$125
158	JML	12/23/04	Draft letter to economist regarding additional pension documents	0.1	\$250	\$25	
159	JML	12/29/04	E-mail to economist regarding his initial draft report	0.1	\$250	\$25	
160	JML	12/30/04	Telephone to client and 2 calls from client regarding salary range for Lt. Colonel, date of pay increase to Captain QW, and date of promotion to Major	0.3	\$250	\$75	\$75

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
161	JML	12/30/04	Draft letter to economist regarding additional information and documents and 4 scenarios of denied promotions and pay increases	0.5	\$250	\$125	\$125
162	JML	12/31/04	E-mail to Dr. Black regarding 3rd denied promotion scenario	0.2	\$250	\$50	\$50
163	JML	01/03/05	Review second draft economic report from Dr. Black	0.4	\$250	\$100	\$100
164	JML	01/03/05	E-mail to economist regarding corrections to latest draft of report	0.1	\$250	\$25	\$25
165	JML	01/03/05	E-mail from and to economist regarding title page of his report	0.2	\$250	\$50	\$50
167	TSN	01/05/05	Review Dr. Black report and outline demand package.	0.6	\$450	\$270	
168	TSN	01/13/05	E-mail to JLR about economic report.	0.1	\$450	\$45	
169	JML	01/14/05	Telephone to Dr. Black regarding revising his economic report to include tax effect	0.1	\$250	\$25	\$25
171	JML	01/17/05	Telephone to client regarding additional information to update economic report to add income tax effect of lump sum recovery	0.1	\$250	\$25	
172	JML	01/18/05	Contact economist regarding additional documents for him to review	0.1	\$250	\$25	\$25
174	TSN	01/26/05	Review revised economic expert report.	0.3	\$450	\$135	\$135
182	TSN	02/09/05	Gather facts on county finances.	0.1	\$450	\$45	\$45

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
184	SJN	02/10/05	Meeting with TSN and JLR re: case strategy.	0.4	\$250	\$100	
185	TSN	02/10/05	Meeting with SJN and JLR re: case strategy.	0.4	\$450	\$180	
198	JML	02/18/05	Legal research regarding Indemnification Law	0.5	\$250	\$125	\$125
204	JML	03/03/05	Memorandum to client regarding economic, compensatory, and punitive damages, his economic report, settlement demand package, Dr. Black, and detail report	1.0	\$250	\$250	\$250
205	TSN	03/03/05	Meet with JLR about the case.	0.2	\$450	\$90	\$90
206	JML	03/08/05	Telephone to client regarding further retaliatory transfer back to Minquedale for shift work	0.1	\$250	\$25	\$25
207	JML	03/08/05	Memo to TSN regarding further retaliatory transfer back to Minquedale for shift work	0.2	\$250	\$50	\$50
208	TSN	03/08/05	Review memo on his additional transfer to a new assignment.	0.1	\$450	\$45	
220	JML	03/22/05	E-mail from TSN and send e-mail to client regarding Coons' speech of 3/16/05	0.1	\$250	\$25	
223	JML	03/24/05	E-mail to Dr. Black regarding expert report	0.1	\$250	\$25	\$25
229	TSN	04/06/05	Discuss with SJN status of the police dept.	0.2	\$450	\$90	
245	SJN	04/19/05	E-mail from JLR re: retaliatory transfer	0.1	\$250	\$25	

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
250	SJN	04/22/05	Meeting with SJN re: status of case, and planning out discovery and trial	0.3	\$250	\$75	
251	TSN	04/22/05	Meeting with TSN re: status of case, and planning out discovery and trial	0.3	\$450	\$135	
261	TSN	06/07/05	E-mail from client and reply on his medical condition and damages	0.4	\$450	\$180	
266	TSN	06/25/05	Speak with client about status of the case	0.3	\$450	\$135	
267	TSN	06/27/05	E-mail on removal of the Chief	0.5	\$450	\$225	
269	JML	07/05/05	Review e-mail from TSN and e-mail to client regarding County's reported financial deficit	0.1	\$250	\$25	
270	JML	07/18/05	Telephone to client regarding County's reported financial deficit	0.1	\$250	\$25	
276	TSN	12/30/05	E-mail from client and reply on status of the case	0.3	\$450	\$135	
282	SJN	07/05/06	Meeting with TSN re: impact of Garcetti	0.1	\$250	\$25	\$25
283	TSN	07/05/06	Meeting with SJN re: impact of Garcetti	0.1	\$450	\$45	\$45
284	JML	07/25/06	Meeting with TSN regarding case in light of new SCt case	0.2	\$250	\$50	\$50
285	TSN	07/25/06	Meet with JLR about status of the case	0.2	\$450	\$90	

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
288	JML	08/14/06	Telephone to client and e-mail to TSN regarding Supreme Court decision	0.2	\$250	\$50	\$50
289	JML	08/14/06	Review Garcetti decision and analyze its impact on the case	1.0	\$250	\$250	\$250
290	JML	08/14/06	Review TSN brief regarding Garcetti case law affecting this case	0.5	\$250	\$125	\$125
291	JML	08/15/06	Telephone to client and e-mail to TSN regarding S.Ct. decision	0.2	\$250	\$50	\$50
292	TSN	08/29/06	Review file	0.4	\$450	\$180	
310	TSN	01/02/07	Telephone with the USM about the case	0.1	\$450	\$45	
318	TSN	05/29/07	E-mail on interview fact witnesses	0.2	\$450	\$90	\$90
319	TSN	05/29/07	Fact investigation, attend the deposition of Maloney & Rendina on the operation of NCC	1.4	\$450	\$630	\$630
320	JML	06/01/07	Telephone from client and e-mail to TSN regarding police report of Freeberry accident	0.3	\$250	\$75	
322	TSN	06/01/07	E-mail to JLR about IA inquire to client	0.1	\$450	\$45	
323	TSN	06/03/07	E-mail to Maloney statements	0.1	\$450	\$45	\$45
324	RW	06/05/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.7	\$170	\$119	\$119

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
325	RW	06/06/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.5	\$170	\$85	\$85
326	RW	06/06/07	Memo to TSN re: Maloney/Rendina testimony in Wilmington Hospitality case	0.8	\$170	\$136	\$136
327	TSN	06/06/07	E-mail on lifting the stay	0.2	\$450	\$90	
328	JML	06/07/07	Legal and factual analysis: review e-mail from TSN, Complaint, and send e-mail to TSN regarding defendant Gordon	1.3	\$250	\$325	
329	TSN	06/07/07	E-mail on evidence issue	0.2	\$450	\$90	\$90
330	TSN	06/14/07	Meet with Maloney and Rendina about the facts of the case	1.0	\$450	\$450	\$450
331	TSN	06/15/07	Telephone with JLR about fact investigation	0.2	\$450	\$90	
332	JML	06/18/07	E-mail to RW regarding depositions of LM and MR and to CAH regarding affidavits of LM and MR	0.2	\$250	\$50	\$50
333	SJN	06/18/07	Meeting with TSN re: amending complaint	0.1	\$250	\$25	\$25
334	TSN	06/18/07	Meeting with SJN re: amending complaint	0.1	\$450	\$45	\$45
337	JML	06/19/07	E-mail to TSN regarding no Answer filed and amending the Complaint	0.1	\$250	\$25	\$25
338	JML	06/19/07	Review Complaint and deposition testimony of LM in County case	1.5	\$250	\$375	\$375

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
339	JML	06/19/07	Review deposition testimony of MR in County case	0.1	\$250	\$25	\$25
340	JML	06/19/07	Review memo from RW regarding trial testimony of LM and MR in NCC case	0.3	\$250	\$75	\$75
341	JML	06/19/07	Review deposition of defendant Freeberry in County police case	2.0	\$250	\$500	\$500
342	JML	06/19/07	Prepare questions for interviews of witnesses LM and MR	1.0	\$250	\$250	\$250
343	JML	06/20/07	Continue preparing interview questions	0.5	\$250	\$125	\$125
344	JML	06/20/07	Telephone to LM regarding interview	0.1	\$250	\$25	\$25
345	JML	06/20/07	Draft letter to LM and MR regarding interview	0.3	\$250	\$75	\$75
346	JML	06/21/07	E-mail to witness regarding interviews	0.2	\$250	\$50	\$50
347	SJN	06/24/07	Legal research - speech to grand jury still protect post-Garcetti cases	0.2	\$250	\$50	\$50
348	JML	06/27/07	Interview MR regarding case	2.0	\$250	\$500	\$500
349	JML	06/27/07	Interview LM regarding case	2.2	\$250	\$550	\$550
350	CAS	07/02/07	E-mail to JLR regarding affidavits and plea agreement	0.2	\$170	\$34	\$34

## Exhibit B Excessive Time Spent During the Judicial Stay Tab 10

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
351	CAS	07/09/07	Review e-mail from TSN regarding client's new job	0.1	\$170	\$17	\$17
352	JML	07/09/07	Draft Declaration of LM	3.0	\$250	\$750	\$750
353	JML	07/09/07	Telephone to TSN regarding case status	0.3	\$250	\$75	\$75
354	JML	07/09/07	E-mail to TSN regarding damages	0.4	\$250	\$100	
355	SJN	07/09/07	Call from TSN	0.2	\$250	\$50	\$50
356	SJN	07/09/07	Review draft declaration and send amended complaint and unstaying letter to JLR	0.2	\$250	\$50	
357	TSN	07/09/07	Telephone with client	0.2	\$450	\$90	\$90
358	TSN	07/09/07	Review L. Maloney declaration	0.2	\$450	\$90	\$90
359	TSN	07/09/07	Discuss lifting the stay with JLR and strategy	0.3	\$450	\$135	
360	TSN	07/09/07	Telephone with SJN on strategy	0.2	\$450	\$90	
Subtotal				48.1		\$13,861	\$7,881
<b>Total Activity During Judicial Stay (Excessive)</b>				<b>19.6</b>		<b>\$5,980</b>	



TAB

11

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
11	SJN	10/21/03	Conference with TSN, JLR, MDH to discuss conflict issues.	0.5	\$250	\$125	\$125
12	TSN	10/21/03	Meet with JLR, MH, SJN about conflict of interest issues and the representation.	0.5	\$450	\$225	\$225
21	JML	03/08/04	Legal research regarding potential immunity of local government	0.3	\$250	\$75	
35	JML	06/10/04	Meeting with law clerk regarding statute of limitations issue	0.1	\$250	\$25	\$25
40	JML	06/17/04	Review law clerk's legal research memo regarding statute of limitations	0.3	\$250	\$75	\$75
43	TSN	07/26/04	Try to reach my client about filing the case.	0.1	\$450	\$45	\$45
44	TSN	07/26/04	Telephone with client to set appointment.	0.1	\$450	\$45	\$45
45	JML	07/27/04	Meeting with TSN and client regarding lawsuit content and strategy	2.0	\$250	\$500	
71	TSN	08/23/04	Work on second draft of complaint.	1.2	\$450	\$540	\$540
72	TSN	08/23/04	Second draft of the complaint.	2.5	\$450	\$1,125	\$1,125
74	SJN	08/24/04	Review and edit draft 0.2 of complaint	0.4	\$250	\$100	\$100
75	TSN	08/24/04	Telephone with client about his draft complaint and his need to review it for factual accuracy and whether he wishes to hold a press conference.	0.1	\$450	\$45	\$45

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
76	TSN	08/25/04	Draft 3 of the complaint.	1.9	\$450	\$855	<b>\$855</b>
81	TSN	08/27/04	Document drafting, copy counsel to review.	0.3	\$450	\$135	<b>\$135</b>
83	SJN	08/29/04	Review and edit draft 3 of complaint.	0.6	\$250	\$150	<b>\$150</b>
87	TSN	08/30/04	Meet with client to review facts of the complaint and make revisions.	1.0	\$450	\$450	<b>\$420</b>
88	TSN	08/30/04	Final draft of complaint.	2.5	\$450	\$1,125	<b>\$1,125</b>
89	SJN	08/31/04	Meeting with TSN re filing and related issues.	0.3	\$250	\$75	
90	SJN	08/31/04	Review latest draft of complaint.	0.3	\$250	\$75	<b>\$75</b>
91	TSN	08/31/04	Finalize complaint.	0.7	\$450	\$315	<b>\$315</b>
92	TSN	08/31/04	Draft press release.	0.6	\$450	\$270	<b>\$270</b>
94	SJN	09/02/04	Press conference.	1.0	\$250	\$250	<b>\$250</b>
95	SJN	09/02/04	Fact investigation and meeting with client.	1.3	\$250	\$325	<b>\$325</b>
96	SJN	09/02/04	Fact investigation re: other incidents where Freebery's has done this.	0.3	\$250	\$75	<b>\$75</b>

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
97	SJN	09/02/04	Respond to media inquiries.	0.5	\$250	\$125	\$125
100	SJN	09/02/04	Fact investigation.	0.5	\$250	\$125	\$125
102	TSN	09/02/04	Meeting with client about facts.	1.0	\$450	\$450	\$450
103	TSN	09/02/04	Attend press conference for client, preparation.	1.4	\$450	\$630	\$630
108	SJN	09/03/04	Phone call to investigate the facts of the police report being doctored.	0.1	\$250	\$25	\$25
109	SJN	09/03/04	E-mail to TSN & JLR re: Freebery order via Janet Smith to alter police report.	0.1	\$250	\$25	\$25
111	SJN	09/07/04	Fact investigation.	0.2	\$250	\$50	\$50
113	TSN	09/08/04	Review fact statements by parties.	0.2	\$450	\$90	\$90
114	TSN	09/08/04	Review witness statements and email client.	0.4	\$450	\$180	\$180
115	TSN	09/08/04	Call from M. Allen about the police report claims.	0.2	\$450	\$90	\$90
119	TSN	09/09/04	Investigate facts given by client.	0.2	\$450	\$90	\$90
120	SJN	09/10/04	Fact investigation.	0.1	\$250	\$25	\$25

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
123	SJN	09/30/04	Return call to Bowser re: extension of time on Answer.	0.1	\$250	\$25	
125	SJN	10/01/04	E-mail to Bowser re: extension of time to file Answer and conflict of interest.	0.1	\$250	\$25	
134	SJN	11/10/04	Meeting with TSN re: settlement.	0.2	\$250	\$50	\$50
148	TSN	12/05/04	Fact investigation on expected changes in County government in January and effect on this case.	0.5	\$450	\$225	\$225
152	SJN	12/21/04	Meeting with TSN re: settlement strategy.	0.1	\$250	\$25	\$25
166	SJN	01/05/05	Review TSN settlement concept e-mail.	0.1	\$250	\$25	\$25
167	TSN	01/05/05	Review Dr. Black report and outline demand package.	0.6	\$450	\$270	\$270
174	TSN	01/26/05	Review revised economic expert report.	0.3	\$450	\$135	\$135
182	TSN	02/09/05	Gather facts on county finances.	0.1	\$450	\$45	\$45
184	SJN	02/10/05	Meeting with TSN and JLR re: case strategy.	0.4	\$250	\$100	\$100
198	JML	02/18/05	Legal research regarding Indemnification Law	0.5	\$250	\$125	\$125
203	SJN	02/20/05	Review and revise settlement proposal.	0.8	\$250	\$200	\$200

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
213	SJN	03/15/05	Meet with TSN and Greg Wilson about settlement the case.	0.2	\$250	\$50	\$50
217	SJN	03/18/05	Meet with TSN about the settlement package.	0.3	\$250	\$75	\$75
222	SJN	03/23/05	Working on settlement package	0.5	\$250	\$125	\$125
224	SJN	03/24/05	Meet with TSN about settlement proposal	0.2	\$250	\$50	\$50
225	SJN	03/24/05	Revising settlement package	1.1	\$250	\$275	\$275
227	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	\$90
228	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90	\$90
233	TSN	04/15/05	Revise draft demand package	1.1	\$450	\$495	\$495
234	TSN	04/15/05	Finish revision of demand package	1.5	\$450	\$675	\$675
240	SJN	04/18/05	Meeting with TSN re: settlement package	0.1	\$250	\$25	\$25
245	SJN	04/19/05	E-mail from JLR re: retaliatory transfer	0.1	\$250	\$25	\$25
257	TSN	05/19/05	Review e-mail from client	0.1	\$450	\$45	\$45

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
260	TSN	05/26/05	E-mail to client	0.2	\$450	\$90	\$90
262	TSN	06/07/05	E-mail to client	0.2	\$450	\$90	\$90
265	TSN	06/25/05	Telephone with client	0.1	\$450	\$45	\$45
266	TSN	06/25/05	Speak with client about status of the case	0.3	\$450	\$135	\$135
268	TSN	06/28/05	Fact investigation	0.3	\$450	\$135	\$135
271	TSN	07/21/05	E-mail from client and respond	0.2	\$450	\$90	\$90
273	TSN	08/25/05	Letter to client	0.2	\$450	\$90	\$90
275	TSN	10/04/05	E-mail from client and respond	0.1	\$450	\$45	\$45
276	TSN	12/30/05	E-mail from client and reply on status of the case	0.3	\$450	\$135	\$135
277	TSN	01/31/06	Reply to clients e-mail on his damages	0.2	\$450	\$90	\$90
278	TSN	03/18/06	E-mail from client and respond	0.1	\$450	\$45	\$45
279	TSN	06/01/06	E-mail from client and respond	0.1	\$450	\$45	\$45

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
280	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45	\$45
281	TSN	06/22/06	E-mail from client and reply	0.1	\$450	\$45	\$45
284	JML	07/25/06	Meeting with TSN regarding case in light of new SCt case	0.2	\$250	\$50	\$50
286	TSN	08/10/06	Call from client	0.1	\$450	\$45	\$45
287	TSN	08/10/06	E-mail to JLR and client	0.1	\$450	\$45	\$45
293	JML	08/30/06	Meeting with TSN and client regarding new settlement strategy	1.1	\$250	\$275	\$275
295	SJN	08/30/06	Meeting with TSN re: settlement issues	0.2	\$250	\$50	\$50
303	TSN	10/02/06	Edit demand letter	0.2	\$450	\$90	\$90
309	SJN	12/16/06	Pleadings review	0.1	\$250	\$25	
311	TSN	01/09/07	Try to reach my client	0.1	\$450	\$45	\$45
312	TSN	01/09/07	Telephone with client	0.1	\$450	\$45	\$45
313	SJN	01/11/07	Meeting with Hank re: settlement and case status	2.0	\$250	\$500	\$500



## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
315	TSN	03/08/07	E-mail from client and respond	0.1	\$450	\$45	\$45
319	TSN	05/29/07	Fact investigation, attend the deposition of Maloney & Rendina on the operation of NCC	1.4	\$450	\$630	\$630
324	RW	06/05/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.7	\$170	\$119	\$119
325	RW	06/06/07	Attend Wilmington Hospitality v. NCC with Maloney and Rendina/witnesses	0.5	\$170	\$85	\$85
326	RW	06/06/07	Memo to TSN re: Maloney/Rendina testimony in Wilmington Hospitality case	0.8	\$170	\$136	\$136
330	TSN	06/14/07	Meet with Maloney and Rendina about the facts of the case	1.0	\$450	\$450	\$450
333	SJN	06/18/07	Meeting with TSN re: amending complaint	0.1	\$250	\$25	\$25
335	TSN	06/18/07	E-mail from client and reply	0.2	\$450	\$90	\$90
350	CAS	07/02/07	E-mail to JLR regarding affidavits and plea agreement	0.2	\$170	\$34	\$34
351	CAS	07/09/07	Review e-mail from TSN regarding client's new job	0.1	\$170	\$17	\$17
356	SJN	07/09/07	Review draft declaration and send amended complaint and unstaying letter to JLR	0.2	\$250	\$50	\$50
357	TSN	07/09/07	Telephone with client	0.2	\$450	\$90	\$90

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
363	TSN	07/10/07	Telephone with client, return call from media	0.2	\$450	\$90	\$90
372	SJN	07/14/07	Review and revise first amended complaint	0.7	\$250	\$175	\$175
373	CAS	07/16/07	E-mail from TSN regarding amended complaint and stay	0.1	\$170	\$17	\$17
377	SJN	07/25/07	Pleadings review	0.1	\$250	\$25	
381	CAS	08/28/07	Review e-mail from JLR regarding status	0.1	\$170	\$17	\$17
383	CAS	08/31/07	E-mails from TSN	0.1	\$170	\$17	\$17
384	TSN	08/31/07	E-mail to client	0.2	\$450	\$90	\$90
385	TSN	08/31/07	E-mail to client	0.2	\$450	\$90	\$90
386	CAS	09/05/07	E-mail from TSN to client regarding settlement	0.1	\$170	\$17	\$17
387	TSN	09/05/07	E-mail from client and respond	0.2	\$450	\$90	\$90
391	TSN	09/13/07	Meet with client about settlement	1.3	\$450	\$585	\$585
396	TSN	09/25/07	Review and edit settlement demand	0.4	\$450	\$180	\$180

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
410	SJN	11/15/07	Pleadings review	0.1	\$250	\$25	
414	CAS	11/26/07	Review e-mail from defense counsel	0.1	\$170	\$17	\$17
424	CAS	12/05/07	Review e-mails from SJN and TSN	0.1	\$170	\$17	\$17
425	CAS	12/05/07	Review e-mail to defense counsel from SJN	0.1	\$170	\$17	\$17
426	SJN	12/05/07	Review amended complaint	0.1	\$250	\$25	
428	CAS	12/06/07	Locate proposed Rule 16 order	0.4	\$170	\$68	\$68
429	CAS	12/06/07	Meeting with SJN re: Rule 16 order	0.1	\$170	\$17	\$17
431	SJN	12/06/07	Review and prepare for Rule 16 teleconference on briefing	1.0	\$250	\$250	
436	SJN	12/07/07	Review and prep for teleconference	0.3	\$250	\$75	
437	SJN	12/07/07	Rule 16 teleconference with Court	0.7	\$250	\$175	
438	SJN	12/07/07	Call to TSN re: status update and Rule 16	0.4	\$250	\$100	
442	SJN	12/08/07	Pleadings review	0.1	\$250	\$25	

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
445	SJN	12/10/07	Pleadings review	0.1	\$250	\$25	
448	TSN	12/12/07	Telephone with client about further proceedings in his case and discovery and trial	0.4	\$450	\$180	
450	JML	01/08/08	E-mail to SJN regarding briefing	0.1	\$250	\$25	
451	SJN	01/08/08	Pleadings review	0.1	\$250	\$25	
453	CAS	01/17/08	Handle overbilling of conference call	0.2	\$170	\$34	\$34
454	CAS	01/17/08	Draft memo re: teleconference billing issue	0.1	\$170	\$17	\$17
465	CAS	02/05/08	E-mail to law clerk re: bluebooking	0.1	\$170	\$17	\$17
466	JML	02/05/08	Review and revise SJN Brief draft 1	1.5	\$250	\$375	
469	JML	02/06/08	Revise SJN brief draft 2	1.3	\$250	\$325	
470	JML	02/06/08	Revise SJN brief draft 3	0.5	\$250	\$125	
474	TSN	02/06/08	Draft 4 of brief	1.3	\$450	\$585	
475	TSN	02/06/08	Revise petition clause section of brief	0.2	\$450	\$90	

## Exhibit B

## Duplicative or Redundant Entries

## Tab 11

Item #	ATTY	Date	Description	Time	Rate	Fee	Prev'ly Listed
476	CAS	02/07/08	File brief and serve copy on court	0.2	\$170	\$34	\$34
477	CAS	02/08/08	Review e-mails from TSN	0.1	\$170	\$17	\$17
483	CAS	02/09/08	Review various e-mails	0.1	\$170	\$17	\$17
487	CAS	02/10/08	Review e-mails from TSN	0.1	\$170	\$17	\$17
488	RW	02/10/08	E-mail from TSN	0.1	\$170	\$17	\$17
490	RW	02/11/08	E-mail press release	0.1	\$170	\$17	\$17
492	CAS	02/12/08	Pleadings review and distribution	0.1	\$170	\$17	\$17
504	SJN	02/25/08	Pleadings review	0.1	\$250	\$25	
505	TSN	02/25/08	Analyze and create 5 documents to support our fee application. Create a .... [entry stops]	2.5	\$450	\$1,125	
Subtotal				61.9		\$21,579	\$17,219
Total Duplicative				11.3		\$4,360	

TAB

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## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

Item #	ATTY	Date	Description	Time	Rate	Fee
1	JML	07/08/03	Initial consultation with client	1.4	\$250	\$350
2	TSN	07/29/03	Meeting with JLR to discuss his possible case and the facts.	0.5	\$450	\$225
3	JML	07/30/03	Meeting with TSN regarding facts from initial consultation	0.5	\$250	\$125
4	JML	07/31/03	2d Meeting with TSN re: facts and documents needed to establish claim of 1st Amendment retaliation	0.5	\$250	\$125
5	JML	08/06/03	Telephone to client regarding promotion procedures and illegal reasons for his denied promotion	0.2	\$250	\$50
6	TSN	08/18/03	Meet with JLR to discuss the facts for a retaliation claim.	0.3	\$450	\$135
7	JML	09/25/03	3d Meeting with TSN regarding First Amendment retaliation and other potential claims	0.4	\$250	\$100
8	JML	10/10/03	Review deposition of Colonel Cunningham regarding promotions in NCC PD	0.3	\$250	\$75
9	JML	10/10/03	Memo to TSN regarding Cunningham deposition testimony regarding NCC PD promotions	0.8	\$250	\$200
10	TSN	10/15/03	Review fact memo from JLR.	0.1	\$450	\$45
11	SJN	10/21/03	Conference with TSN, JLR, MDH to discuss conflict issues.	0.5	\$250	\$125
12	TSN	10/21/03	Meet with JLR, MH, SJN about conflict of interest issues and the representation.	0.5	\$450	\$225

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

13	JML	10/22/03	Review file and prepare for today's meeting with TSN	0.4	\$250	\$100
14	TSN	11/10/03	Meet with JLR about the case.	0.1	\$450	\$45
15	TSN	12/09/03	Meet with JLR to discuss the timing of the case.	0.1	\$450	\$45
16	JML	12/19/03	Telephone from client regarding newest promotions	0.3	\$250	\$75
17	JML	02/04/04	Telephone from client regarding new job postings and denial of 2 additional promotions	0.2	\$250	\$50
18	JML	02/04/04	Memo to TSN regarding today's telephone call from client	0.5	\$250	\$125
19	JML	02/25/04	Telephone to client regarding other County officers	0.1	\$250	\$25
20	JML	03/08/04	Telephone from client regarding documents for him to sign at today's meeting	0.1	\$250	\$25
21	JML	03/08/04	Legal research regarding potential immunity of local government	0.3	\$250	\$75
22	JML	03/08/04	Meeting with client to review new factual documents from him	1.0	\$250	\$250
23	JML	03/29/04	Telephone from client regarding new promotion to Captain and memo to TSN regarding advice on new Captain vacancy	0.7	\$250	\$175
24	JML	03/31/04	Telephone from client regarding information on eligible candidates for December 2003 Lt. and Captain promotions	0.2	\$250	\$50
25	JML	04/02/04	Meeting with client regarding additional information on promotions and eligibility lists and other promotion candidates	0.7	\$250	\$175



## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

26	TSN	04/08/04	Review JLR letter to EEOC.	0.1	\$450	\$45
27	TSN	04/10/04	Review memo from JLR.	0.1	\$450	\$45
28	TSN	04/21/04	Meet with JLR on status of the case.	0.1	\$450	\$45
29	JML	04/26/04	Telephone from client regarding new Captain promotion and memo to TSN regarding same	0.7	\$250	\$175
30	JML	04/28/04	E-mail to TSN regarding our strategy regarding First Amendment retaliation claims in light of retaliatory re-posting of a Captain promotion after prior promotion list expired	0.2	\$250	\$50
31	TSN	04/28/04	Review fact memo from JLR and respond.	0.2	\$450	\$90
32	TSN	05/03/04	Review status report from JLR.	0.1	\$450	\$45
33	JML	05/27/04	Telephone to client and memo to TSN regarding retaliation: lowered ranking, denied promotion, and Middletown transfer	0.8	\$250	\$200
34	TSN	06/08/04	Review status report from JLR.	0.1	\$450	\$45
35	JML	06/10/04	Meeting with law clerk regarding statute of limitations issue	0.1	\$250	\$25
36	TSN	06/10/04	Discuss with JLR the EEOC timeliness issue.	0.1	\$450	\$45
37	JML	06/15/04	Meeting with TSN and SJN regarding filing the First Amendment Complaint	0.5	\$250	\$125
38	SJN	06/15/04	Meeting TSN and JLR.	0.1	\$250	\$25

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

39	TSN	06/15/04	Meet with JLR to discuss legal theories and decide to file the case now.	0.5	\$450	\$225
40	JML	06/17/04	Review law clerk's legal research memo regarding statute of limitations	0.3	\$250	\$75
41	TSN	06/22/04	Review SOL resesarch memo.	0.1	\$450	\$45
42	TSN	07/26/04	Meet with JLR about drafting the complaint for filing.	0.2	\$450	\$90
43	TSN	07/26/04	Try to reach my client about filing the case.	0.1	\$450	\$45
44	TSN	07/26/04	Telephone with client to set appointment.	0.1	\$450	\$45
45	JML	07/27/04	Meeting with TSN and client regarding lawsuit content and strategy	2.0	\$250	\$500
46	SJN	07/27/04	Meeting with TSN.	0.1	\$250	\$25
47	TSN	07/27/04	Meet with JLR and client to discuss facts, law and filing his case in the next month, our two main legal theories.	1.8	\$450	\$810
48	TSN	07/27/04	Meeting with SJN.	0.1	\$450	\$45
49	JML	07/28/04	Draft Complaint: Caption, Parties, Jurisdiction, and Wherefore Clause	1.5	\$250	\$375
50	JML	07/28/04	Telephone from client regarding dates of his protected activity	0.1	\$250	\$25
51	JML	07/29/04	Meeting with TSN regarding defendants to name and allegations to make in the Complaint	0.2	\$250	\$50

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

52	TSN	07/29/04	Meet with JLR about draft complaint and the parties defendant.	0.2	\$450	\$90
53	JML	08/03/04	Review TSN memo regarding meeting with client	0.1	\$250	\$25
54	JML	08/04/04	Complaint preparation	0.1	\$250	\$25
55	JML	08/04/04	Revise Complaint Caption, Parties, and Wherefore Clause	0.2	\$250	\$50
56	JML	08/04/04	Complaint preparation: Draft facts relating to employment history and circumstantial evidence of retaliation	1.5	\$250	\$375
57	JML	08/04/04	Complaint preparation: Draft allegations regarding defendants' conduct	0.3	\$250	\$75
58	JML	08/04/04	Draft Counts I and II: Free Speech and Petition Clause violations	0.3	\$250	\$75
59	JML	08/04/04	Draft facts relating to individual defendants' decision making and less qualified successful candidate	0.5	\$250	\$125
60	JML	08/09/04	Continue drafting Complaint: Plaintiff's Injuries	0.5	\$250	\$125
61	JML	08/14/04	Draft facts regarding cover up of accident	1.2	\$250	\$300
62	JML	08/14/04	Draft facts regarding campaign and election improprieties	1.3	\$250	\$325
63	JML	08/16/04	Draft Civil Cover Sheet and Summons and revise Complaint	0.6	\$250	\$150
64	JML	08/16/04	Complaint preparation: Draft Injunctive relief	0.5	\$250	\$125

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

65	JML	08/17/04	Telephone to client regarding content of his protected speech, retaliatory transfer, and injury to reputation	0.6	\$250	\$150
66	JML	08/17/04	Continue drafting Complaint: content of protected speech, retaliatory transfer, and injury to reputation	3.0	\$250	\$750
67	JML	08/17/04	Revise Summons of John Cunningham	0.1	\$250	\$25
68	JML	08/17/04	2d telephone call to client regarding his additional information on accident and the continued retaliation	0.3	\$250	\$75
69	JML	08/20/04	Telephone to client regarding TSN revision of Complaint	0.3	\$250	\$75
70	JML	08/23/04	Revise Complaint based on Friday's conversation with client	0.1	\$250	\$25
71	TSN	08/23/04	Work on second draft of complaint.	1.2	\$450	\$540
72	TSN	08/23/04	Second draft of the complaint.	2.5	\$450	\$1,125
73	JML	08/24/04	Continue revising of Complaint and telephone to client regarding same	0.4	\$250	\$100
74	SJN	08/24/04	Review and edit draft 0.2 of complaint	0.4	\$250	\$100
75	TSN	08/24/04	Telephone with client about his draft complaint and his need to review it for factual accuracy and whether he wishes to hold a press conference.	0.1	\$450	\$45
76	TSN	08/25/04	Draft 3 of the complaint.	1.9	\$450	\$855
77	JML	08/26/04	Telephone to client regarding revised Complaint	0.3	\$250	\$75

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

78	JML	08/27/04	Review TSN's draft Complaint	0.3	\$250	\$75
79	SJN	08/27/04	Meeting with TSN.	0.3	\$250	\$75
80	TSN	08/27/04	Meeting with Steve	0.3	\$450	\$135
81	TSN	08/27/04	Document drafting, copy counsel to review.	0.3	\$450	\$135
82	TSN	08/27/04	Telephone from the AP.	0.1	\$450	\$45
83	SJN	08/29/04	Review and edit draft 3 of complaint.	0.6	\$250	\$150
84	JML	08/30/04	Review and revise draft Complaint	0.2	\$250	\$50
85	JML	08/30/04	Meeting with TSN and client regarding pending lawsuit	1.0	\$250	\$250
86	JML	08/30/04	Revise Civil Cover Sheet	0.2	\$250	\$50
87	TSN	08/30/04	Meet with client to review facts of the complaint and make revisions.	1.0	\$450	\$450
88	TSN	08/30/04	Final draft of complaint.	2.5	\$450	\$1,125
89	SJN	08/31/04	Meeting with TSN re filing and related issues.	0.3	\$250	\$75
90	SJN	08/31/04	Review latest draft of complaint.	0.3	\$250	\$75

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

91	TSN	08/31/04	Finalize complaint.	0.7	\$450	\$315
92	TSN	08/31/04	Draft press release.	0.6	\$450	\$270
93	TSN	08/31/04	Meeting with SJN re filing and related issues.	0.3	\$450	\$135
94	SJN	09/02/04	Press conference.	1.0	\$250	\$250
95	SJN	09/02/04	Fact investigation and meeting with client.	1.3	\$250	\$325
96	SJN	09/02/04	Fact investigation re: other incidents where Freebery's has done this.	0.3	\$250	\$75
97	SJN	09/02/04	Respond to media inquiries.	0.5	\$250	\$125
98	SJN	09/02/04	Telephone with Hank.	0.1	\$250	\$25
99	SJN	09/02/04	Telephone calls with Tom.	0.2	\$250	\$50
100	SJN	09/02/04	Fact investigation.	0.5	\$250	\$125
101	SJN	09/02/04	Calls with Steve.	0.2	\$250	\$50
102	TSN	09/02/04	Meeting with client about facts.	1.0	\$450	\$450
103	TSN	09/02/04	Attend press conference for client, preparation.	1.4	\$450	\$630

## Exhibit B Total Time Billed Through April 26, 2005

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104	SJN	09/03/04	Telephone with TSN.	0.1	\$250	\$25
105	SJN	09/03/04	Call to Hank.	0.1	\$250	\$25
106	SJN	09/03/04	Fact investigation.	0.3	\$250	\$75
107	SJN	09/03/04	E-mail to TSN & JLR.	0.1	\$250	\$25
108	SJN	09/03/04	Phone call to investigate the facts of the police report being doctored.	0.1	\$250	\$25
109	SJN	09/03/04	E-mail to TSN & JLR re: Freebery order via Janet Smith to alter police report.	0.1	\$250	\$25
110	SJN	09/03/04	Calls with Steve.	0.2	\$250	\$50
111	SJN	09/07/04	Fact investigation.	0.2	\$250	\$50
112	SJN	09/08/04	Meeting with TSN.	0.3	\$250	\$75
113	TSN	09/08/04	Review fact statements by parties.	0.2	\$450	\$90
114	TSN	09/08/04	Review witness statements and email client.	0.4	\$450	\$180
115	TSN	09/08/04	Call from M. Allen about the police report claims.	0.2	\$450	\$90
116	TSN	09/08/04	E-mail JLR with things to do.	0.2	\$450	\$90

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

117	TSN	09/08/04	Meeting with Steve.	0.3	\$450	\$135
118	TSN	09/09/04	Review two e-mails from client and reply.	0.2	\$450	\$90
119	TSN	09/09/04	Investigate facts given by client.	0.2	\$450	\$90
120	SJN	09/10/04	Fact investigation.	0.1	\$250	\$25
121	SJN	09/13/04	Review e-mails.	0.1	\$250	\$25
122	TSN	09/13/04	Email to client about preparing rule 26 disclosures.	0.2	\$450	\$90
123	SJN	09/30/04	Return call to Bowser re: extension of time on Answer.	0.1	\$250	\$25
124	SJN	10/01/04	Meeting with TSN.	0.1	\$250	\$25
125	SJN	10/01/04	E-mail to Bowser re: extension of time to file Answer and conflict of interest.	0.1	\$250	\$25
126	TSN	10/01/04	Meeting with SJN.	0.1	\$450	\$45
127	JML	10/06/04	Telephone from client regarding accident and potential discipline and advise regarding his rights of appeal	0.1	\$250	\$25
128	TSN	10/07/04	Review e-mail from client on damages and disparate punishment.	0.1	\$450	\$45
129	JML	10/28/04	E-mail to client regarding his potential new employment and its impact on the case	0.2	\$250	\$50



## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

130	TSN	11/03/04	Review two e-mails from the client.	0.1	\$450	\$45
131	SJN	11/05/04	Meeting with TSN re: D's filing answer or motion for a stay.	0.1	\$250	\$25
132	TSN	11/05/04	Meeting with SJN re: D's filing answer or motion for a stay.	0.1	\$450	\$45
133	TSN	11/09/04	Review their stay brief and e-mail JLR about a response.	0.2	\$450	\$90
134	SJN	11/10/04	Meeting with TSN re: settlement.	0.2	\$250	\$50
135	TSN	11/10/04	Discuss with JLR settlement strategy for the case.	0.5	\$450	\$225
136	TSN	11/10/04	Meeting with SJN re: settlement.	0.2	\$450	\$90
137	JML	11/15/04	E-mail to client regarding health status report	0.1	\$250	\$25
138	JML	11/16/04	Telephone and e-mail to client regarding damages information	0.4	\$250	\$100
139	JML	11/16/04	E-mail to plaintiff's counsel regarding our Response to Motion to Stay	0.1	\$250	\$25
140	SJN	11/16/04	Motion to stay briefing.	0.2	\$250	\$50
141	JML	11/22/04	Begin drafting Memo in Opposition to Motion to Stay	2.2	\$250	\$550
142	JML	11/24/04	Continue drafting Response to Motion to Stay	2.1	\$250	\$525

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

143	JML	11/24/04	Continue drafting Response to Motion to Stay	3.5	\$250	\$875
144	JML	11/26/04	Finalize Response to Motion to Stay and e-mail to TSN regarding same	1.3	\$250	\$325
145	SJN	11/29/04	Review our AB.	0.2	\$250	\$50
146	TSN	11/30/04	Review our stay brief.	0.1	\$450	\$45
147	TSN	11/30/04	E-mail to JLR.	0.1	\$450	\$45
148	TSN	12/05/04	Fact investigation on expected changes in County government in January and effect on this case.	0.5	\$450	\$225
149	JML	12/08/04	Telephone to economist regarding retaining him for an expert report	0.3	\$250	\$75
150	JML	12/16/04	Telephone from client regarding motion to stay	0.1	\$250	\$25
151	TSN	12/19/04	Review stay decision by the court.	0.1	\$450	\$45
152	SJN	12/21/04	Meeting with TSN re: settlement strategy.	0.1	\$250	\$25
153	TSN	12/21/04	Meet with JLR about settlement strategy.	0.3	\$450	\$135
154	TSN	12/21/04	Meeting with SJN re: settlement strategy.	0.1	\$450	\$45
155	JML	12/22/04	Telephone to client regarding economist's follow up questions	0.3	\$250	\$75

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

156	JML	12/22/04	Letter to economist regarding follow up data from today's conversation with client	0.4	\$250	\$100
157	JML	12/23/04	Review cardiologist medical records and end of year pay stubs for 2001-2004	0.5	\$250	\$125
158	JML	12/23/04	Draft letter to economist regarding additional pension documents	0.1	\$250	\$25
159	JML	12/29/04	E-mail to economist regarding his initial draft report	0.1	\$250	\$25
160	JML	12/30/04	Telephone to client and 2 calls from client regarding salary range for Lt. Colonel, date of pay increase to Captain QW, and date of promotion to Major	0.3	\$250	\$75
161	JML	12/30/04	Draft letter to economist regarding additional information and documents and 4 scenarios of denied promotions and pay increases	0.5	\$250	\$125
162	JML	12/31/04	E-mail to Dr. Black regarding 3rd denied promotion scenario	0.2	\$250	\$50
163	JML	01/03/05	Review second draft economic report from Dr. Black	0.4	\$250	\$100
164	JML	01/03/05	E-mail to economist regarding corrections to latest draft of report	0.1	\$250	\$25
165	JML	01/03/05	E-mail from and to economist regarding title page of his report	0.2	\$250	\$50
166	SJN	01/05/05	Review TSN settlement concept e-mail.	0.1	\$250	\$25
167	TSN	01/05/05	Review Dr. Black report and outline demand package.	0.6	\$450	\$270
168	TSN	01/13/05	E-mail to JLR about economic report.	0.1	\$450	\$45

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

169	JML	01/14/05	Telephone to Dr. Black regarding revising his economic report to include tax effect	0.1	\$250	\$25
170	TSN	01/16/05	E-mail to JLR about settlement and Monell issues.	0.3	\$450	\$135
171	JML	01/17/05	Telephone to client regarding additional information to update economic report to add income tax effect of lump sum recovery	0.1	\$250	\$25
172	JML	01/18/05	Contact economist regarding additional documents for him to review	0.1	\$250	\$25
173	JML	01/20/05	Begin drafting Settlement package	2.0	\$250	\$500
174	TSN	01/26/05	Review revised economic expert report.	0.3	\$450	\$135
175	TSN	01/27/05	Telephone with Jeff Goddess.	0.1	\$450	\$45
176	TSN	01/27/05	E-mail to JLR>	0.1	\$450	\$45
177	TSN	01/29/05	E-mail to JLR.	0.1	\$450	\$45
178	TSN	02/02/05	E-mail JLR on Coons transition actions.	0.2	\$450	\$90
179	TSN	02/04/05	Meet with KM about NCCPD promotion process.	0.6	\$450	\$270
180	JML	02/07/05	E-mail from TSN and to client regarding demand letter	0.2	\$250	\$50
181	TSN	02/07/05	E-mail JLR on timing of settlement demand.	0.1	\$450	\$45

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

182	TSN	02/09/05	Gather facts on county finances.	0.1	\$450	\$45
183	TSN	02/09/05	Think about recusal decision by the court.	0.2	\$450	\$90
184	SJN	02/10/05	Meeting with TSN and JLR re: case strategy.	0.4	\$250	\$100
185	TSN	02/10/05	Meeting with SJN and JLR re: case strategy.	0.4	\$450	\$180
186	JML	02/11/05	Review TSN-SJN draft settlement demand in NCC case	1.5	\$250	\$375
187	JML	02/11/05	Continue drafting settlement package	1.4	\$250	\$350
188	TSN	02/11/05	File memo on recusal.	0.2	\$450	\$90
189	JML	02/14/05	Continue drafting settlement package: Statement of Facts	1.6	\$250	\$400
190	JML	02/16/05	Continue drafting settlement demand: Fact Witnesses and Expert Witnesses and Physical Injuries	1.5	\$250	\$375
191	JML	02/16/05	Continue drafting settlement demand: Damages, Injuries, Relief, Attorneys' Fees, and Punitives	1.9	\$250	\$475
192	JML	02/17/05	Continue drafting settlement package: Argument Section I	1.5	\$250	\$375
193	JML	02/17/05	Continue drafting settlement package: Argument Section II	1.5	\$250	\$375
194	JML	02/17/05	Continue drafting settlement package: Argument Section III	1.5	\$250	\$375

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

195	JML	02/18/05	Continue drafting settlement package: Finish Argument Section III	0.1	\$250	\$25
196	JML	02/18/05	Continue drafting Settlement package: Argument Section IV	1.4	\$250	\$350
197	JML	02/18/05	Continue drafting Settlement package: Argument Section V	1.4	\$250	\$350
198	JML	02/18/05	Legal research regarding Indemnification Law	0.5	\$250	\$125
199	JML	02/18/05	Continue drafting Settlement package: Argument Sections VI and VII	2.0	\$250	\$500
200	JML	02/18/05	Continue drafting settlement package: Settlement Proposal	1.0	\$250	\$250
201	JML	02/18/05	Review and revise entire 70 page settlement package	1.9	\$250	\$475
202	TSN	02/19/05	E-mail on settlement.	0.1	\$450	\$45
203	SJN	02/20/05	Review and revise settlement proposal.	0.8	\$250	\$200
204	JML	03/03/05	Memorandum to client regarding economic, compensatory, and punitive damages, his economic report, settlement demand package, Dr. Black, and detail report	1.0	\$250	\$250
205	TSN	03/03/05	Meet with JLR about the case.	0.2	\$450	\$90
206	JML	03/08/05	Telephone to client regarding further retaliatory transfer back to Minquedale for shift work	0.1	\$250	\$25
207	JML	03/08/05	Memo to TSN regarding further retaliatory transfer back to Minquedale for shift work	0.2	\$250	\$50

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

208	TSN	03/08/05	Review memo on his additional transfer to a new assignment.	0.1	\$450	\$45
209	JML	03/14/05	Review litigation report from NCC	0.1	\$250	\$25
210	JML	03/14/05	Prepare for today's briefing of TSN for his meeting tomorrow with the County attorney	1.5	\$250	\$375
211	JML	03/14/05	Update settlement package to include new developments in the case: Transfer to Patrol Squad B, additional defense attorneys' fees, etc	0.9	\$250	\$225
212	JML	03/14/05	E-mail to TSN regarding updated settlement package	0.1	\$250	\$25
213	SJN	03/15/05	Meet with TSN and Greg Wilson about settlement the case.	0.2	\$250	\$50
214	TSN	03/15/05	Meet with Greg Wison and SNJ about settling the case.	0.2	\$450	\$90
215	TSN	03/15/05	E-mail to JLR.	0.1	\$450	\$45
216	JML	03/16/05	Review e-mail from TSN and send e-mail to client regarding TSN meeting with County attorney	0.1	\$250	\$25
217	SJN	03/18/05	Meet with TSN about the settlement package.	0.3	\$250	\$75
218	TSN	03/18/05	meet with SJN about the settlement package.	0.3	\$450	\$135
219	TSN	03/18/05	Email to co-counsel	0.1	\$450	\$45
220	JML	03/22/05	E-mail from TSN and send e-mail to client regarding Coons' speech of 3/16/05	0.1	\$250	\$25

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

221	TSN	03/22/05	E-mail to JLR	0.1	\$450	\$45
222	SJN	03/23/05	Working on settlement package	0.5	\$250	\$125
223	JML	03/24/05	E-mail to Dr. Black regarding expert report	0.1	\$250	\$25
224	SJN	03/24/05	Meet with TSN about settlement proposal	0.2	\$250	\$50
225	SJN	03/24/05	Revising settlement package	1.1	\$250	\$275
226	TSN	03/24/05	Meet with SJN re: draft settlement proposal	0.2	\$450	\$90
227	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90
228	TSN	04/05/05	Fact investigation on new public safety director	0.2	\$450	\$90
229	TSN	04/06/05	Discuss with SJN status of the police dept.	0.2	\$450	\$90
230	TSN	04/06/05	Review letter on settlement from client	0.1	\$450	\$45
231	JML	04/15/05	Telephone to client regarding demand, meeting, and delivery of settlement package	0.1	\$250	\$25
232	JML	04/15/05	E-mail from TSN regarding demand, meeting, and delivery of settlement package and e-mails to and from co-counsel regarding cover letter for settlement package	0.1	\$250	\$25
233	TSN	04/15/05	Revise draft demand package	1.1	\$450	\$495



## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

234	TSN	04/15/05	Finish revision of demand package	1.5	\$450	\$675
235	JML	04/16/05	Begin revising settlement package: pages 1-17	1.0	\$250	\$250
236	JML	04/18/05	Continue revising settlement package: pp. 19-65	1.4	\$250	\$350
237	JML	04/18/05	Continue revising settlement package: pp. 19-65	1.0	\$250	\$250
238	JML	04/18/05	Continue drafting 67 page settlement package	1.0	\$250	\$250
239	JML	04/18/05	Begin drafting letter to County attorney regarding settlement package	0.2	\$250	\$50
240	SJN	04/18/05	Meeting with TSN re: settlement package	0.1	\$250	\$25
241	TSN	04/18/05	E-mails from JLR	0.1	\$450	\$45
242	TSN	04/18/05	Meeting with SJN re: settlement package	0.1	\$450	\$45
243	JML	04/19/05	Finalize letter to county attorney regarding settlement package	0.1	\$250	\$25
244	JML	04/19/05	Revise settlement package	0.3	\$250	\$75
245	SJN	04/19/05	E-mail from JLR re: retaliatory transfer	0.1	\$250	\$25
246	JML	04/21/05	Draft section on Plaintiff's superior qualifications	0.7	\$250	\$175

## Exhibit B Total Time Billed Through April 26, 2005

Tab 12

247	JML	04/21/05	Review and finalize 67 page demand package	1.5	\$250	\$375
248	JML	04/21/05	E-mail to TSN regarding demand package	0.1	\$250	\$25
249	JML	04/22/05	Finalize demand package with most recent revisions and e-mail to The Neuberger Firm regarding same	0.2	\$250	\$50
250	SJN	04/22/05	Meeting with SJN re: status of case, and planning out discovery and trial	0.3	\$250	\$75
251	TSN	04/22/05	Meeting with TSN re: status of case, and planning out discovery and trial	0.3	\$450	\$135
252	TSN	04/22/05	Review and approve settlement documents	0.4	\$450	\$180
253	TSN	04/22/05	Meet with client to review and obtain approval of demand package and our negotiating strategy	1.5	\$450	\$675
254	TSN	04/22/05	E-mail to co-counsel	0.1	\$450	\$45
255	JML	04/26/05	Telephone to client and e-mail to TSN regarding delivery of demand package	0.1	\$250	\$25
<b>Total Time Billed Through April 26, 2005</b>				<b>125.6</b>		<b>\$38,280</b>

# EXHIBIT

# C

**From:** Cheryl Hertzog [CherylH@neubergerlaw.com]  
**Sent:** Wednesday, November 21, 2007 2:31 PM  
**To:** Bowser, William; kjennings@ojlaw.com  
**Cc:** Thomas S. Neuberger; Stephen J. Neuberger; martin  
**Subject:** Riddell v. Gordon, et al.  
**Attachments:** Rule 16 Scheduling Order.draft.03.pdf; CAH Motion Pro Hac.draft.01.pdf

Counsel,

In anticipation of the Court's upcoming Rule 16 Scheduling Conference, attached please find a draft Rule 16 Scheduling Order. Please send back any thoughts on the proposed dates. It is a fairly standard discovery period with dispositive motions due one month after the end of discovery.

Also, this case is assigned to the vacant judge in the U.S. District Court and it does not appear that the position will be filled anytime soon. Given that this case has already been delayed for quite some time, will defendants consent to the jurisdiction of the Magistrate and allow her to try the case? A few months ago defense counsel in the *Reyes* case indicated they were not opposed to the Magistrate trying that case in an effort to get a trial date sooner rather than later. Please let me know your thoughts on this as well.

Lastly, I'd like to ask for your consent for my admission *pro hac vice* to help Tom and Steve out on this case. I had originally intended to take the bar this past summer, but an unexpected pregnancy threw a wrench into those plans. Under the local rules, *pro hac* status cannot be granted to me, but we've checked with the Clerk's office and they indicated that in a particular case, a Judge can waive the rule and allow my participation. Both Judge Farnan and Judge Robinson have already granted my admission *pro hac vice* in two separate district court cases. I've attached to this e-mail the draft motion we've prepared on the matter. It lays things out in more detail. Could you let me know after the holiday your take on this also?

Thank you and have a wonderful holiday,

Cheryl Hertzog

Cc: Charles Butler, Esq. (via US Mail)

~~~~~  
Cheryl A. Hertzog, Esq.  
\* Licensed in PA and NJ only

The Neuberger Firm, P.A.  
Attorneys and Counsellors at Law  
Two East Seventh Street, Suite 302  
Wilmington, DE 19801-3707  
Phone 302.655.0582  
Fax 302.655.9329  
Email: [CherylH@NeubergerLaw.com](mailto:CherylH@NeubergerLaw.com)

7/25/2008

# EXHIBIT

# D

## YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947  
(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-5008  
DIRECT FAX: (302) 576-3476  
mdibianca@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. McDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
CHAD S.C. STOVER  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

March 26, 2008

### **BY E-MAIL & U.S. MAIL**

John M. LaRosa  
Law Office of John M. LaRosa  
Two East Seventh Street, Suite 302  
Wilmington, DE 19801-3707

Thomas S. Neuberger  
The Neuberger Firm, P.A.  
Two East Seventh Street, Suite 302  
Wilmington, DE 19801-3707

Re: *Tobin v. Gordon, et al.*  
Fee Petition

Dear Sirs:

Please consider this Defendants' response to the fee petition submitted by your respective firms in the above-referenced matter. I have reviewed the time records received from your offices. A summary of my conclusions follows below.

First, there are numerous entries that are unrelated to this matter for which no reimbursement is available. For example, there were multiple entries relating to correspondence with the Equal Employment Opportunity Commission ("EEOC"). Chief Tobin did not file a Charge of Discrimination in this matter. Perhaps these entries should have been allocated to the Jamison matter, which involves the same defendants.

Additionally, Mr. LaRosa has included approximately \$6,000 in entries that should have been allocated to the Maloney-Rendina matter. That is a separate, unrelated matter,

YOUNG CONAWAY STARGATT & TAYLOR, LLP

John M. LaRosa

March 26, 2008

Page 2

in which settlement has already been reached and plaintiff's counsel already compensated. The time for these activities cannot be billed twice and, therefore, are not reimbursable in the present matter. Further, there are several entries for correspondence with the press and related activities. Communication with the press or news media is not compensable time under Section 1983.

Second, an excessive amount of time has been requested for certain tasks. For example, 21.1 hours was billed to *draft* the Complaint. This does not include the significant amount of time spent corresponding between co-counsel or communications with the plaintiff.

Twenty-one hours is far beyond the amount of reasonable time it should take experienced counsel to draft a two-count complaint. The amount requested is especially excessive in light of the fact that more than one-half of the 147 paragraphs are identical to paragraphs in the Riddell and Jamison complaints and/or taken directly from the indictment cited therein. Another example of excessive time is the 7.4 hours submitted for drafting the Amended Complaint.<sup>1</sup> The Amended Complaint included less than a dozen minor changes.

In addition to these and other noncompensable and excessive submissions entries, there are a number of other problematic areas with the requested amounts. For example, there is no indication that either firm exercised billing judgment in preparing the statements as is required under Section 1983. Also, I have been unable to find support for the proposed hourly rate of \$450 for time worked by Thomas S. Neuberger, Esq.

Despite these issues, it is in the best interest of all parties to resolve this matter as expeditiously as possible. In that light, and in exchange for full satisfaction of this matter, Defendants are amenable to a total fee payment of \$47,000. Of that amount, \$16,000 would be allocated to Mr. LaRosa and the remaining \$31,000 to the Neuberger Firm.

As you know, the Court has rescheduled the teleconference to Wednesday, April 16, 2008. Please advise me of your respective positions as soon as practicable but no later than Monday, April 14, 2008.

Sincerely yours,



Margaret M. DiBianca

MMD:sec

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<sup>1</sup> Mr. LaRosa has submitted 6.0 hours and the Neuberger firm has submitted 1.4 hours.

LAW OFFICE  
OF  
JOHN M. LAROSA  
TWO EAST 7TH STREET, SUITE 302  
WILMINGTON, DELAWARE 19801-3707

PHONE: (302) 888-1290  
FAX: (302) 655-9329

LICENSED IN DE, PA, AND NJ  
INTERNET: WWW.LAROSALAW.COM

March 28, 2008

**VIA U.S. MAIL AND FAX (302) 576-3476**

Margaret M. DiBianca, Esquire  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street  
Wilmington, DE 19801

**RE: Tobin v. Gordon, et al. C.A. No. 04-1211-MPT**  
**Plaintiff's Reply in Support of His Attorneys' Fee Petition**

Dear Molly:

The following is a response to your letter to Attorney Thomas Neuberger and me of March 26, 2008, disputing Plaintiff's attorneys' fees petition submitted to you more than a month ago back on February 25, 2008. In sum, you are seeking a reduction of the total fees sought from \$72,121 to \$47,000, which would result in a 35% decrease. We disagree with you for the following reasons.

**Our Hourly Rates Are More than Reasonable.**

First, despite repeated requests made as early as February 15, 2008, you have failed to identify whether or not you dispute our hourly rates. That is the basis of the lodestar analysis and you are hiding your cards in this fundamental point. So it is unclear from your letter whether or



not you openly challenge Attorney Thomas Neuberger's hourly rate of \$450 and how that affects your logic and analysis. His rate is more than reasonable for an attorney of more than thirty four years at the Bar with his well known accomplishments, who also is a member of the Lawyers' Advisory Committee for the U.S. Court of Appeals for the Third Circuit, who was selected by the Chief Judge and Delaware Circuit Judges. If you are contesting that rate, as it looks to us, we think your position is without basis and is deliberately obstructive.

**Lynda Maloney and Maria Rendina Were Fact Witnesses to Chief Tobin's Case.**

Second, there has been no duplication of effort between my Office and The Neuberger Firm. Regarding my time working with Lynda Maloney and Maria Rendina, that time was billed for interviewing them and preparing declarations from them as fact witnesses in Chief Tobin's case. That should have been clear to you from the 2007 dates during which those services were performed - long after the settlement of their own case against the County. Please note that I have never represented Lynda Maloney, Maria Rendina, Matt Jamison, or Kathy Riddell in their employment cases.

This time was appropriate to interview crucial fact witnesses.

**Billing Discretion Was Exercised in Foregoing Payment for Nearly 15 Hours of Attorney Time.**

Third, despite your contention to the contrary, plaintiff's counsel did exercise billing judgment in preparing their fee submission. Specifically, I explained to you in my e-mail of February 25, 2008, that I only was billing for 138.7 of my 153.5 hours spent on the case. I decided not to seek payment for the other 14.8 hours in the exercise of billing discretion.

**Reasonable Time Was Spent Drafting the Pleadings in this Hotly Contested Case.**

Fourth, the hours spent preparing the Complaint and the First Amended Complaint were

reasonable under the circumstances, and not excessive as you claim. This case was filed after Reyes and Hernandez v. Freebery, Cunningham and New Castle County, C.A. No.02-1283-KAJ (D.Del.). During that litigation, the County already had made it clear that it would spend enormous amounts of money defending employment cases against it. I know that over \$700,000 has been spent to date in that case alone in defense among several law firms. In fact, in even older cases brought during defendant Gordon's first administration, such as Downs v. Gordon, Freebery and New Castle County, C.A. No.99-210-MMS (D.Del.), the County hired multiple outside law firms to zealously represent itself and its officers.

So certainly more than 20 hours had to be spent framing a Complaint which would withstand repeated meritless motions by the defense.

Furthermore, this case here was so complex that it necessitated excessive briefing by the County of twelve issues in its attempt to defeat plaintiff's claims. In fact, you even argued in the briefing that the Complaint had been carelessly framed and was not fact specific enough. But if we had spent more time on framing it, you now would be claiming the time was unnecessary. You cannot have it both ways.

Consequently, the Complaint and the First Amended Complaint had to be very carefully drafted to withstand defendants' Motion to Dismiss. This is not J.P. Court!

**EEOC Charge Arose from Plaintiff's Denied Promotions and Contributed to the Result.**

Fifth, regarding time spent on services related to the U.S. EEOC charge, contrary to your statement, Chief Tobin did file a Charge of Discrimination for the denied promotions which gave rise to his claims. The County and its Police Department apparently was not represented by counsel at that stage of the litigation. Nevertheless, that work ultimately contributed to the final

result of the case.

**We Agree to Reduce Our Fees By 5%.**

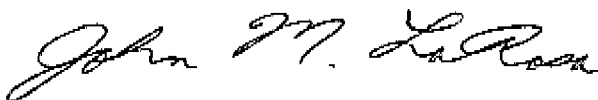
Finally, in seeking to reduce our fees by 35%, you never identify the total number of hours you dispute for time spent related to the media or the EEOC. Upon further review, in a Rule 408 protected negotiations stance, we would be willing to forego payment for all time related to the press or the EEOC if we can resolve this matter without having to bother the Court. Without prejudice, we would be willing to attribute 5% of the total time billed to those two matters. Therefore, in the further exercise of billing discretion, we will agree to reduce our fees sought by 5%. This totals \$68,514 (\$35,573 for The Neuberger Firm and \$32,941 for my Office).

Please confirm that you will agree to this amount within three (3) business days. If not this offer will expire at that time.

If we cannot resolve this dispute, we will have Judge Thyng resolve the matter and we also will seek 100% of our fees as previously submitted to you on February 25<sup>th</sup> plus all subsequent time spent litigating this fee dispute.

We look forward to hearing from you soon.

Very truly yours,



John M. LaRosa

cc: Thomas S. Neuberger, Esquire (via hand delivery)  
Charles E. Butler, Esquire (via U.S. mail)  
Kathleen M. Jennings, Esquire (via U.S. mail)  
Chief Henry V. Tobin III (via U.S. mail)

YOUNG CONAWAY STARGATT & TAYLOR, LLP

MARGARET M. DiBIANCA  
DIRECT DIAL: (302) 571-5008  
DIRECT FAX: (302) 576-3476  
mdibianca@ycst.com

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. BOX 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(302) 571-1253 FAX  
(800) 253-2234 (DE ONLY)  
www.youngconaway.com

April 7, 2008

**BY E-MAIL**

John M. LaRosa  
Law Office of John M. LaRosa  
Two East Seventh Street, Suite 302  
Wilmington, DE 19801-3707

Thomas S. Neuberger  
The Neuberger Firm, P.A.  
Two East Seventh Street, Suite 302  
Wilmington, DE 19801-3707

Re: *Tobin v. Gordon, et al.*  
Fee Petition

Dear Sirs:

Defendants hereby decline Plaintiff's offer to resolve the issue of attorney's fees for a total sum of \$64,908.90. Defendants extend a final offer in the amount of \$60,000. The offer will remain open until the close of business on Friday, April 11, 2008.

Sincerely yours,



Margaret M. DiBianca

MMD:sec

cc: Gregg E. Wilson, Esq. (via e-mail)

**From:** John M. LaRosa, Esquire [JLR@LaRosaLaw.com]  
**Sent:** Monday, April 07, 2008 6:55 PM  
**To:** DiBianca, Margaret  
**Cc:** Jennings, Kathleen Esq.; Butler, Charles E. Esq.; Neuberger, Esq. Thomas S.  
**Subject:** Tobin v. Gordon: Fee Dispute

Molly:

Our final offer was a "drop dead" offer.

Since it was a drop dead offer, we will not move from our figure. Our negotiations have ended. We will simply take this up on April 16th at the teleconference with the Court where we will seek the full original amount of our fees and expenses as submitted to on February 25th plus all the time since those original figures were calculated.

To expedite matters with the Court, will you send over defense counsel's time and billing records so that we can compare plaintiff's counsel's time and hourly rates with defense counsel's? Please let me know by this Wednesday, April 9th.

Otherwise, we will seek it in discovery.

Very truly yours,


John M. LaRosa

\*\*\*\*\*

Law Office of John M. LaRosa  
Two East 7th Street, Suite 302  
Wilmington, Delaware 19801-3707  
(302) 888-1290  
(302) 655-9329 (fax)  
[www.LaRosaLaw.com](http://www.LaRosaLaw.com) (website)

# EXHIBIT

# E

|                                                                                                                                                                                                                                                                                                                                                         |                                                        |                                                                                                                              |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>CHARGE OF DISCRIMINATION</b>                                                                                                                                                                                                                                                                                                                         |                                                        | AGENCY<br><input type="checkbox"/> FEPA<br><input checked="" type="checkbox"/> EEOC                                          | CHARGE NUMBER<br><br>170-2004-01499 |
| This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.                                                                                                                                                                                                                                                |                                                        | and EEOC                                                                                                                     |                                     |
| N/A                                                                                                                                                                                                                                                                                                                                                     |                                                        |                                                                                                                              |                                     |
| State or local Agency, if any                                                                                                                                                                                                                                                                                                                           |                                                        |                                                                                                                              |                                     |
| NAME (Indicate Mr., Ms., Mrs.)<br>Lieutenant Henry V. Tobin III                                                                                                                                                                                                                                                                                         |                                                        | HOME TELEPHONE (Include Area Code)<br>(302) 234-3418                                                                         |                                     |
| STREET ADDRESS<br>312 Nicola Lane                                                                                                                                                                                                                                                                                                                       | CITY, STATE AND ZIP CODE<br>Hockessin, Delaware 19707  | DATE OF BIRTH<br>10/25/1954                                                                                                  |                                     |
| NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)                                                                                                                                                                    |                                                        |                                                                                                                              |                                     |
| NAME<br>New Castle County Police Department                                                                                                                                                                                                                                                                                                             | NUMBER OF EMPLOYEES, MEMBERS<br>Category C (201-500)   | TELEPHONE (Include Area Code)<br>(302) 571-7976                                                                              |                                     |
| STREET ADDRESS<br>3601 North DuPont Highway                                                                                                                                                                                                                                                                                                             | CITY, STATE AND ZIP CODE<br>New Castle, Delaware 19720 | COUNTY<br>New Castle                                                                                                         |                                     |
| NAME                                                                                                                                                                                                                                                                                                                                                    | TELEPHONE NUMBER (Include Area Code)                   |                                                                                                                              |                                     |
| STREET ADDRESS                                                                                                                                                                                                                                                                                                                                          | CITY, STATE AND ZIP CODE                               | COUNTY                                                                                                                       |                                     |
| CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))                                                                                                                                                                                                                                                                                            |                                                        | DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL)                                                              |                                     |
| <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> AGE<br><input type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify) |                                                        | 5/12/2003<br><br><input checked="" type="checkbox"/> CONTINUING ACTION                                                       |                                     |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):                                                                                                                                                                                                                                                                             |                                                        |                                                                                                                              |                                     |
| See Bill of Particulars (attached).                                                                                                                                                                                                                                                                                                                     |                                                        |                                                                                                                              |                                     |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.                                                                                       |                                                        | NOTARY - (When necessary for State and Local Requirements)                                                                   |                                     |
| I declare under penalty of perjury that the foregoing is true and correct.                                                                                                                                                                                                                                                                              |                                                        | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. |                                     |
| <br>Date 3-8-04      Charging Party (Signature)                                                                                                                                                                                                                      |                                                        | SIGNATURE OF COMPLAINANT                                                                                                     |                                     |
|                                                                                                                                                                                                                                                                                                                                                         |                                                        | SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)                                                           |                                     |

EEOC FORM 5 (Test 10/94)

EEOC Form 161 (10/96)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Henry V. Tobin, III  
312 Nicola Lane  
Hockessin, DE 19707

From: Equal Employment Opportunity Commission  
Philadelphia District Office  
The Bourse  
21 S. Fifth Street, Suite 400  
Philadelphia, PA 19106-2515

☐ On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

| Charge No.     | EEOC Representative | Telephone No. |
|----------------|---------------------|---------------|
| 170-2004-01499 | Legal Unit          | 215-440-2828  |

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☒ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

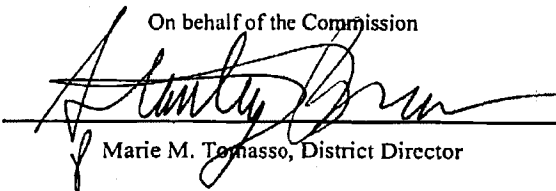
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



Marie M. Tomasso, District Director

May 28, 2004  
(Date Mailed)

Enclosure(s)

cc: New Castle County/Department of Police  
John M. LaRosa, Esquire (for Charging Party)



# EXHIBIT

# F

-----Original Message-----

From: John M. LaRosa, Esquire [mailto:JLR@LaRosaLaw.com]  
Sent: Monday, November 26, 2007 5:45 PM  
To: DiBianca, Margaret  
Cc: Neuberger, Esq., Stephen; Neuberger, Esq. Thomas S.  
Subject: Re: Tobin v. Gordon

Ms. DiBianca,

Your obstructive email found below has been forwarded to me for a response.

You cannot blackmail plaintiff, into consenting to meritless briefing, designed to delay the gathering of evidence and the entry of a scheduling order, by offering to consent to the jurisdiction of the magistrate.

My client has the right to discovery now, and he insists on that right.  
Your clients have delayed plaintiff's day in court for far too long.  
Your request is simply incredible.

Agree to the proposed discovery plan submitted to defense counsel by 10am tomorrow, or I will just submit the plan and its related correspondence to the magistrate tomorrow. The court will have to deal with your obstruction and delay at the scheduled teleconference.

The defendants for several years now have sought to delay the gathering of evidence in this case. That is now coming to an end.

As to your purported rationale, I point out that there are more than individual defendants in this case. The County is a municipal defendant, accordingly you can file no case dispositive motion relating to the County and discovery has to go forward for that reason alone.  
Qualified immunity does not apply to a municipal defendant.

I also remind you of your obligations under Rule 11. Perhaps you are not versed in its requirements, or your senior associates are treating you as the low person on the totem pole and they are setting you up for the fall.

An assertion of qualified immunity on the legal theories in this case is without factual or legal basis. The law prohibiting the retaliation asserted has been established for several decades. Before you sign any such qualified immunity motion, think long and hard about your obligations as an officer of the court and the possibility of sanctions against you. Beware of being the fall guy for the County or its prior officials who now have criminal records.

If you still think that such a motion is appropriate, and the court permits it at this late date, then we can brief it while

discovery is progressing.

Very truly yours,

John M. LaRosa

\*\*\*\*\*

Law Office of John M. LaRosa  
Two East 7th Street, Suite 302  
Wilmington, Delaware 19801-3707  
(302) 888-1290  
(302) 655-9329 (fax)  
www.LaRosaLaw.com (website)

----- Original Message -----

From: "Stephen J. Neuberger" <SJN@neubergerlaw.com>  
To: "Thomas S. Neuberger" <TSN@neubergerlaw.com>; "Cheryl Hertzog" <CherylH@neubergerlaw.com>; "John M. LaRosa, Esquire" <JLR@LaRosaLaw.com>  
Sent: Monday, November 26, 2007 1:03 PM  
Subject: FW: Tobin v. Gordon

-----Original Message-----

From: DiBianca, Margaret [mailto:mdibianca@ycst.com]  
Sent: Monday, November 26, 2007 12:49 PM  
To: Stephen J. Neuberger  
Cc: Bowser, William; kjennings@ojlaw.com; ceb@cebutler.com; Wilson, Gregg  
Subject: Tobin v. Gordon

Good afternoon,

I am writing in regards to the proposed scheduling order you forwarded before the holiday in the above-referenced matter.

> As you may know, the Defendants filed a Motion to Dismiss, which, in  
> part, was based on grounds of qualified immunity in a related matter,  
> Jamison v. Gordon. We expect to likely do the same for the Riddell  
> and Tobin cases. Due to the qualified immunity issues, we will ask  
> the Court to refrain from issuing a scheduling order until those  
> motions have been decided.  
>  
> If you are amenable, Defendants would agree to Judge Thygne's  
> jurisdiction if Plaintiff would agree to submit a jointly proposed  
> briefing schedule in lieu of the proposed scheduling order.  
>  
> Please let me know if Plaintiff may be interested in such an  
> agreement.  
>  
> Thank you,  
>  
> Molly DiBianca  
>  
> Margaret M. DiBianca, Esq.  
> Young Conaway Stargatt & Taylor, LLP  
> The Brandywine Building  
> 1000 West Street, 17th Floor  
> P.O. Box 391  
> Wilmington, DE 19899-0391  
> Phone: 302-571-5008

**From:** DiBianca, Margaret  
**Sent:** Monday, November 26, 2007 5:05 PM  
**To:** 'Thomas S. Neuberger'  
**Cc:** Gregg Wilson, Esq.; Bowser, William; Martin D. Haverly, Esq.; Kathleen Jennings, Esquire; ceb@cebutler.com; Cheryl A. Hertzog, Esq.; Raeann Warner, Esq.; Stephen J. Neuberger (work)  
**Subject:** RE: Riddell v. Gordon

Thank you for your response. Defendants will review the proposed scheduling order and arrange with your colleagues prior to its due date one week from today.

Sincerely,

Margaret M. DiBianca, Esq.  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
Phone: 302-571-5008  
Facsimile: 302-576-3476  
mdibianca@ycst.com

-----Original Message-----

From: Thomas S. Neuberger [mailto:TSN@neubergerlaw.com]  
Sent: Monday, November 26, 2007 5:00 PM  
To: DiBianca, Margaret  
Cc: Gregg Wilson, Esq.; Bowser, William; Martin D. Haverly, Esq.; Kathleen Jennings, Esquire; ceb@cebutler.com; Cheryl A. Hertzog, Esq.; Raeann Warner, Esq.; Stephen J. Neuberger (work); TSN@NeubergerLaw.com  
Subject: FW: Riddell v. Gordon

Ms. DiBianca,

Your obstructive email found below has been forwarded to me for a response.

You cannot blackmail plaintiff, into consenting to meritless briefing, designed to delay the gathering of evidence and the entry of a scheduling order, by offering to consent to the jurisdiction of the magistrate.

My client has the right to discovery now and she insists on that right. Your clients have delayed plaintiff's day in court for far too long. Your request is simply incredible.

Agree to the proposed discovery plan submitted to you by 10am tomorrow, or I will just submit the plan and its related correspondence to the magistrate tomorrow. The court will have to deal with your obstruction and delay at the scheduled teleconference.

The defendants for several years now have sought to delay the gathering of evidence in this case. That is now coming to an end.

As to your purported rationale, I point out that there are more than individual defendants in this case. The County is a municipal defendant, accordingly you can file no case dispositive motion relating

to the County and discovery has to go forward for that reason alone. Qualified immunity does not apply to a municipal defendant.

I also remind you of your obligations under Rule 11. Perhaps you are not versed in its requirements, or your senior associates are treating you as the low person on the totem pole and they are setting you up for the fall.

An assertion of qualified immunity on the legal theories in this case is without factual or legal basis. The law prohibiting the retaliation asserted has been established for several decades. Before you sign any such qualified immunity motion think long and hard about your obligations as an officer of the court and the possibility of sanctions against you. Beware of being the fall guy for the County or its prior officials who now have criminal records.

If you still think that such a motion is appropriate, and the court permits it at this late date, then we can brief it while discovery is progressing.

Tom Neuberger

Cc: client

\*\*\*\*\*

Thomas S. Neuberger, Esquire  
The Neuberger Firm  
Attorneys And Counsellors At Law  
Two East Seventh Street, Suite 302  
Wilmington, Delaware 19801-3707  
Phone 302.655.0582  
Fax 302.655.9329  
Email: TSN@NeubergerLaw.com

-----Original Message-----

From: DiBianca, Margaret [mailto:mdibianca@ycst.com]  
Sent: Monday, November 26, 2007 12:47 PM  
To: Cheryl Hertzog  
Cc: Wilson, Gregg; Bowser, William; ceb@cebutler.com;  
kjennings@ojlaw.com  
Subject: Riddell v. Gordon

Good Afternoon,

I am responding to your e-mail to Gregg Wilson re: the scheduling order in the Riddell matter.

As you may know, the Defendants filed a Motion to Dismiss, which, in part, was based on grounds of qualified immunity in a related matter, Jamison v. Gordon. We expect to likely do the same for the Riddell and Tobin cases. Due to the qualified immunity issues, we will ask the Court to refrain from issuing a scheduling order until those motions have been decided.

If you are amenable, Defendants would agree to Judge Thygne's jurisdiction if Plaintiff would agree to submit a jointly proposed briefing schedule in lieu of the proposed scheduling order.

Please let me know if Plaintiff may be interested in such an agreement.

Thank you,

Molly DiBianca

Margaret M. DiBianca, Esq.  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
Phone: 302-571-5008  
Facsimile: 302-576-3476  
mdibianca@ycst.com

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

# EXHIBIT

# G

**From:** John M. LaRosa, Esquire [JLR@LaRosaLaw.com]  
**Sent:** Tuesday, February 19, 2008 8:07 PM  
**To:** DiBianca, Margaret  
**Subject:** Re: Tobin v. Gordon: Pension Issue

Molly:

There is no reason we would care to share with you.

Very truly yours,

John M. LaRosa

\*\*\*\*\*

Law Office of John M. LaRosa  
Two East 7th Street, Suite 302  
Wilmington, Delaware 19801-3707  
(302) 888-1290  
(302) 655-9329 (fax)  
[www.LaRosaLaw.com](http://www.LaRosaLaw.com) (website)

----- Original Message -----

**From:** [DiBianca, Margaret](#)  
**To:** [John M. LaRosa, Esquire](#)  
**Sent:** Tuesday, February 19, 2008 5:29 PM  
**Subject:** RE: Tobin v. Gordon: Pension Issue

[John:](#)

Was there any reason in particular that this request was not raised prior to the acceptance of the Offer of Judgment? Especially in light of the fact that the offer was accepted on a Saturday, five days before the offer expired, it is unclear why this term was not negotiated before the acceptance was filed with the court.

[~Molly](#)

---

From: John M. LaRosa, Esquire [mailto:JLR@LaRosaLaw.com]  
Sent: Tuesday, February 19, 2008 5:25 PM  
To: DiBianca, Margaret  
Cc: Neuberger, Esq. Thomas S.  
Subject: Tobin v. Gordon: Pension Issue

Molly:

Please make the County Executive aware of Mr. Tobin's pension request. He would prefer he be included in this discussion.

Thank you.

Very truly yours,

7/25/2008



John M. LaRosa

\*\*\*\*\*

Law Office of John M. LaRosa  
Two East 7th Street, Suite 302  
Wilmington, Delaware 19801-3707  
(302) 888-1290  
(302) 655-9329 (fax)  
[www.LaRosaLaw.com](http://www.LaRosaLaw.com) (website)

----- Original Message -----

**From:** [DiBianca, Margaret](#)  
**To:** [John M. LaRosa, Esquire](#)  
**Sent:** Friday, February 15, 2008 5:20 PM  
**Subject:** RE: Tobin v. Gordon: Pension Issue and Form of Order of Judgment

[John,](#)

I passed along Tobin's pension request to the County and I will keep you posted with what I hear. As I said today on the phone, the County is not under any obligation to consider the request but they do have it in any event.

On the Order of Judgment, two things. First, on the conference call, she directed me to file the order, so you don't have to worry about the filing. Second, while I can't be sure, I think it should just be an order closing the case, as the Offer of Judgment has already been docketed and speaks for itself. I will look into it though to be certain.

In the meantime, have a great weekend.

Thank you,

[Molly DiBianca](#)

---

From: John M. LaRosa, Esquire [mailto:[JLR@LaRosaLaw.com](mailto:JLR@LaRosaLaw.com)]  
Sent: Friday, February 15, 2008 1:55 PM  
To: DiBianca, Margaret  
Cc: Neuberger, Esq. Thomas S.  
Subject: Tobin v. Gordon: Pension Issue and Form of Order of Judgment

Molly:

The following will memorialize our telephone conversation this afternoon. On behalf of plaintiff, I requested that the County recalculate his pension to reflect retirement at a Captain's rate of pay. Such a measure would not cost the County any additional monies up front. Also, we understand that the County has done this in the past in employment cases for other long-time police officers.

You indicated that in fairness, you indeed would address this issue with your client.

Also, regarding the form of Order of Judgment, I suggested that we use the attached draft, in which we just briefly state the terms as contemplated in Defendants' Offer of Judgment (i.e. "\$25,000 plus reasonable attorneys' fees and costs") and indicate that ultimately the amount awarded for fees and costs will be a figure approved by the Court. If this is acceptable to all defendants, I will file it with the Court.

Please let me know defendants' response on both of these issues by Tuesday.

7/25/2008

Thank you for your continued cooperation in resolving this matter.

Very truly yours,

John M. LaRosa

\*\*\*\*\*

Law Office of John M. LaRosa  
Two East 7th Street, Suite 302  
Wilmington, Delaware 19801-3707  
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[www.LaRosaLaw.com](http://www.LaRosaLaw.com) (website)

7/25/2008